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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

Report of the Working Group on Enforced or Involuntary Disappearances

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Introduction

1. The present report of the Working Group on Enforced or Involuntary Disappearances is submitted pursuant to Commission on Human Rights resolution 1997/26, entitled "Question of enforced disappearances". 1/ In addition to the specific tasks entrusted to the Working Group by the Commission in this resolution, the Group has also taken into account other mandates stemming from a number of resolutions adopted by the Commission 2/ entrusted to all special rapporteurs and working groups. All these tasks have been given due attention and consideration by the Working Group in the course of 1997; in view of the page limit imposed on all reports, however, the Working Group decided not to reproduce the content of these resolutions as it has done in the past.

2. In addition to its original mandate, which is to act as a channel of communication between families of the disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and the whereabouts of the disappeared persons clarified, the Working Group has been entrusted by the Commission with various other tasks. In particular, the Working Group is to monitor States' compliance with their obligations deriving from the Declaration on the Protection of All Persons from Enforced Disappearance. 3/ The Working Group has taken the Declaration into account, in particular in adopting observations on individual countries. As last year, these country-specific observations have been prepared on all countries with more than 50 alleged cases of disappearance, or where more than 5 cases were reported during the period under review. All country-specific observations are to be found at the end of the respective country chapters in part II of the present report.

3. As in previous years, the Working Group has continued to apply the urgent action procedure in cases that allegedly occurred within three months preceding the receipt of the report by the Group. This year the Working Group sent urgent action appeals to Governments in respect of 140 cases to the following Governments: Algeria, Burundi, Colombia, Ecuador, India, Indonesia, Iran (Islamic Republic of), Lebanon, Libyan Arab Jamahiriya, Mexico, Morocco, Philippines, Sri Lanka, Tajikistan, Tunisia, Turkey, Zambia. An urgent action appeal was also sent to the Palestine Authority. It has also promptly intervened with the Governments of Colombia and Mexico on cases in which relatives of missing persons, or other individuals or organizations which have cooperated with the Group, or their legal counsel, are said to have been subjected to intimidation, persecution or other reprisals.

4. The total number of cases transmitted by the Working Group to Governments since the Group's inception stands at 47,758. The total number of cases being kept under active consideration as they have not yet been clarified now stands at 44,940. The number of countries with outstanding cases of alleged disappearance was 63 in 1997. During the period under review, the Working Group received some 1,111 new cases of disappearance in 26 countries, 180 of which allegedly occurred in 1997.

5. As in the past, the present report reflects only communications or cases examined before the last day of the third annual session of the Working Group, which was 21 November 1997. Urgent action cases which may have to be dealt

with between that date and the end of the year, as well as communications received from Governments and processed after 21 November 1997, will be reflected in the Working Group's next report.

I. ACTIVITIES OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES IN 1997

A. Meetings and missions of the Working Group

6. The Working Group held three sessions in 1997. The fifty-first session was held in New York from 12 to 16 May, and the fifty-second and fifty-third sessions were held at Geneva from 18 to 22 August and from 12 to 21 November, respectively. During its 1997 sessions, the Working Group met with representatives of the Governments of Guatemala, the Islamic Republic of Iran, Mexico, the Philippines, Uruguay and Yemen.

7. The Group also met with representatives of human rights organizations, associations of relatives of missing persons and families or witnesses directly concerned with reports of enforced disappearances.

8. The Working Group decided to consider the dates for the visit to Colombia during its 1998 sessions. To date it has received no reply from the Government of Iraq to its letter dated 21 July 1995 requesting a visit.

9. By letter dated 28 May 1997, the Government of Turkey informed the Working Group that its request, made on 21 July 1995, to visit Turkey had been accepted by the Government. It was proposed that the visit take place in the fourth quarter of 1997. Unfortunately, it was not possible to find a mutually convenient date which would have allowed the Working Group to undertake a mission and report to the present session of the Commission on Human Rights. The Group looks forward to carrying out the mission during 1998.

10. By note verbale dated 16 October 1997, the Government of the Republic of Yemen invited the Working Group to visit that country. The Working Group has accepted the invitation, and is discussing with the Government a mutually convenient date.

11. By letter dated 19 November 1997, the Government of the Islamic Republic of Iran invited the Working Group to visit that country. The Working Group has accepted the invitation and a mutually convenient date is being sought.

12. In resolution 1997/58 on the situation of human rights in Zaïre, the Commission requested the Special Rapporteurs on the situation of human rights in Zaïre and on extrajudicial, summary or arbitrary executions, as well as a member of the Working Group on Enforced or Involuntary Disappearances, to carry out a joint mission to investigate allegations of massacres and other issues affecting human rights which arose from the situation prevailing in eastern Zaïre since 1996. The Working Group on Enforced or Involuntary Disappearances was represented by Mr. Jonas Foli. The report on this mission is contained in document E/CN.4/1998/64.

B. Communications

13. During the period under review, the Working Group transmitted 1,111 new cases of enforced or involuntary disappearance to the Governments of Algeria,

Colombia, Ecuador, Ethiopia, India, Indonesia, Iran (Islamic Republic of), Iraq, Lebanon, the Libyan Arab Jamahiriya, Mexico, Morocco, Peru, the Philippines, the Russian Federation, Rwanda, Sri Lanka, Tajikistan, Tunisia, Turkey, Ukraine, the United Arab Emirates and Zambia; 140 of these cases were sent under the urgent action procedure. It also transmitted one case under the urgent action procedure to the Palestinian Authority. Of the newly reported cases, 180 of them allegedly occurred in 1997, and relate to Colombia, Ecuador, India, Indonesia, Lebanon, Mexico, Morocco, the Philippines, Turkey, Sri Lanka, Zambia and the Palestinian Authority. During the same period, the Working Group clarified 121 cases in the following countries: Algeria, Argentina, Brazil, Chile, China, Colombia, Egypt, Gambia, Guatemala, Honduras, India, Indonesia, Iran (Islamic Republic of), Lebanon, Libyan Arab Jamahiriya, Mexico, Morocco, Peru, Saudi Arabia, Syrian Arab Republic, Tajikistan, Tunisia, Turkey and Zambia.

14. Many of the other cases received by the Working Group were referred back to the sources as they lacked one or more elements required by the Working Group for their transmission, or because it was not clear whether they fell within the Working Group's mandate; other cases were considered inadmissible within the context of that mandate.

15. As in previous years, the Working Group received reports and expressions of concern from non-governmental organizations, associations of relatives of disappeared persons and individuals about the safety of persons actively engaged in the search for missing persons, in reporting cases of disappearance or in the investigation of cases. In some countries, the mere fact of reporting a disappearance entailed a serious risk to the life or security of the person making the report or to his or her family members. In addition, individuals, relatives of missing persons and members of human rights organizations were frequently harassed and threatened with death for reporting cases of human rights violations or investigating such cases.

16. Taking into account the ever-increasing number of United Nations field operations with human rights components, and the field offices of the High Commissioner for Human Rights, the Working Group has continued this year to address itself to these offices in an effort to take advantage of their unique position on the ground in order to improve its information flow with regard to disappearances. Information in this respect is reflected in the appropriate country chapters.

C. Methods of work

17. During the course of the year, the Working Group undertook a review of its methods of work and decided that in cases in which it considers that it can no longer play any useful role in trying to elucidate them, to discontinue consideration of such cases, in particular, if the source is no longer in existence, or in cases in which the families no longer have an interest in pursuing the matter. The discontinuation of cases is reflected in the country chapters and the statistical summary.

D. Draft international convention on the prevention and punishment of enforced disappearances

18. The Working Group has continued to follow with close interest the progress made in the drafting of an international convention on the prevention and punishment of enforced disappearance.

19. At its fifty-first session in New York, the Working Group met with representatives of several non-governmental organizations to discuss the draft convention, in particular the question of a monitoring mechanism. A monitoring body would be essential in order to supervise the compliance of State parties. However, the Working Group continues to be of the opinion that in order to avoid a further proliferation of treaty monitoring bodies, this task should either be entrusted to one of the existing treaty monitoring bodies, for example by adopting a further optional protocol to the International Covenant on Civil and Political Rights, or to the Working Group on Enforced or Involuntary Disappearances. In the latter case, the Working Group would be prepared, in analogy to the double role of the Inter-American Commission on Human Rights, to examine the possibility of continuing to function as a thematic mechanism of the United Nations Commission on Human Rights with respect to all countries of the world where cases of disappearances are alleged to occur and, in addition, to function as a treaty monitoring body with respect to States parties to the future convention on disappearances.

20. The Working Group was subsequently invited to participate in the second expert meeting on the draft international convention, held in Geneva on 24 and 25 November 1997. Since this meeting took place after the adoption of the present report, relevant information will be reflected in the Group's report next year.

E. Former Yugoslavia

21. The expert member of the Working Group in charge of the special process on missing persons in the territory of the former Yugoslavia, established pursuant to Commission on Human Rights resolutions 1994/72, 1995/35 and 1996/71, Mr. Manfred Nowak, resigned from his functions on 26 March 1997, because of lack of support by the international community for his efforts to clarify cases of disappearance by all available means, including exhumation of mortal remains. Subsequently, the Commission on Human Rights adopted resolution 1997/57, in which (paragraph 34) it "expressed its appreciation to the expert for his contribution to the eventual resolution of the problem of missing persons by his dedication to this question". In paragraph 39 it requested, "in consideration of the resignation of the expert for the special process, that the Special Rapporteur, the International Committee of the Red Cross, the Office of the High Representative, the headquarters of the International Commission on Missing Persons and other relevant actors consult the expert member of the Working Group so that appropriate arrangements, including for transfer of relevant information acquired by the expert, can be made for these organizations to assume the functions concerning missing persons, performed by the expert member up to the date of his resignation". In paragraph 41 (d), the Commission requested the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia "to act

on behalf of the United Nations in dealing with the question of the missing, including through participation in the Expert Group on Exhumations and Missing Persons of the Office of the High Representative and the Working Group on Missing Persons Chaired by the International Committee of the Red Cross and attendance at meetings of the International Commission on Missing Persons, to contribute to a smooth transition between the mandate of the expert for the special process and the organizations to which his functions are to be transferred, and to report to the Commission on Human Rights about activities concerning missing persons in the former Yugoslavia."

22. In accordance with Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980 and subsequent resolutions, the Working Group on Enforced or Involuntary Disappearances has a global mandate to deal with cases of disappearance in all countries, unless such disappearances occur during an international armed conflict. Since the discontinuation of the special process, this also applies to all successor States of the former Yugoslavia. However, in view of the Commission's request to the Special Rapporteur, the Working Group decided, at its fifty-first session held in New York from 12 to 16 May 1997, that for the time being cases of disappearance which occurred in the Republic of Croatia and in Bosnia and Herzegovina until the date of entry into force of the Dayton Peace Agreement on 14 December 1995 will not be dealt with by the Working Group on Enforced or Involuntary Disappearances and, consequently, the Group will not report to the Commission on Human Rights on these cases. With respect to cases in other successor States of the former Yugoslavia and cases which occurred in Croatia and Bosnia and Herzegovina after 14 December 1995, the Working Group will examine these cases in accordance with its methods of work.

F. Compensation, presumption of death and exhumation

23. In recent years, a number of countries have started to compensate financially victims of enforced disappearance. The legal, procedural and financial aspects, however, vary from country to country. As the Working Group considers this issue to be of the utmost importance, on 27 June 1997 it wrote to those countries with more than 20 cases of alleged disappearance pending on its files to seek information on each country's practice in this respect. In order to facilitate the Governments' replies, the Working Group asked a number of specific questions:

1. What is the legal basis for compensation in your country?

2. What are the legal requirements and legal procedures leading to a presumption of death? Who initiates such a procedure? Can a person be presumed dead over the objections of the family?

3. Does the payment of compensation require a presumption of death?

4. Has your Government used the method of exhumation to determine the identity of a person reported to have disappeared?

5. Has your Government compensated victims or families of victims of disappeared?

24. At the time of publication of this report, 12 countries - Argentina, Chile, Ethiopia, Guatemala, Honduras, India, Morocco, Peru, the Philippines, Sri Lanka, Turkey and Uruguay - had submitted information concerning compensation for victims or relatives of victims of enforced or involuntary disappearances. The Working Group would like to note that the Government of Brazil provided it with extensive information on its laws with regard to compensation last year. Such information is reflected in the Group's previous report (E/CN.4/1997/34), and in the country chapter on Brazil. It is for this reason that Brazil has not been included in this analysis.

1. Compensation

25. The legal basis for compensation varied from country to country. In Argentina it is law No. 24,411, adopted in January 1995, which pertains to "compensation for victims of enforced disappearance or death caused by the action of the armed forces, the security forces or paramilitary groups prior to the return of democracy". In Chile, it is law No. 19,123 of 8 February 1992, which provides for the granting of compensatory payments to non-surviving victims of human rights violations-disappearances or executed detainees, whose disappearance occurred between 11 September 1973 and 19 March 1990. In Ethiopia, the right to sue, the conditions under which compensation is to be made, and the right to and extent of the compensation are governed by the provisions of the Civil Code. Under the Ethiopian Penal Code, it is provided that, "where an offence has caused considerable damage to the injured person or those having rights from him, such persons shall be entitled to claim damages by way of compensation". In Guatemala, the offence of enforced disappearance was established in the law by means of decree No. 48-98 adopted by the Congress. The court hearing the case has the power, under this law, to set compensation where a criminal indemnification action has been brought in a criminal case. In Honduras, legislation provides that "any person incurring criminal responsibility for an offence or misdemeanour, also incurs civil liability, which includes restitution, reparation for material and non-material injury and compensation for damage caused". In India, it is reported that there is no "statutory right for compensation ... for victims of human rights violations. However, courts in India have awarded such compensation in a number of cases. Compensation for human rights violations is now considered part of the public law regime in the country". It may be noted that in India, in addition to public law remedies, compensation has been paid to victims of human rights violations based on recommendations of the National Human Rights Commission. In Morocco, a number of legal provisions provide the victim of any kind of violation with the right to compensation in proportion to the damage he has suffered; this right passes to his successor in the event of his death. The general principle governing compensation is set out in article 77 of the Code of Obligations and Contracts. The Penal Code also contains provisions for compensation. Peru reported that there was no specific provision for the payment of compensation to the victims of enforced disappearance or their families. However, the procedures provided for in the legal system are applicable; accordingly, when a sentence is handed down for the commission of any offence, it indicates the amount of compensation to be paid by the perpetrators to the victim or his family. In the Philippines, compensation is regulated by Act No. 7309 entitled "An Act Creating a Board of Claims under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes

and For Other Purposes". In Sri Lanka, compensation is paid to next of kin of persons who have died or sustained injuries as a result of violence, terrorist activity, related security operations and consequent to civil unrest since 24 July 1983. The provisions for this plan are contained in the Registration of Deaths (Temporary Provisions) Act No. 2 of 1995, which provides for the registration of deaths of persons reported missing and for matters connected therewith or incidental thereto. In Turkey, "compensation is paid only after penal sanctions are imposed on the perpetrators". In Uruguay, the legal basis for compensation is articles 24 and 25 of the Constitution.

2. Presumption of death

26. The legal requirements and procedures leading to a presumption of death varied considerably, particularly in the minimum time period required since the last contact with the individual.

27. In Argentina, Act No. 24,321, adopted in 1995, established the concept of "absence through enforced disappearance". Subsequently, Act No. 24,411 was adopted, which made provision for compensation for victims of enforced disappearance or death caused by the action of the armed forces, security forces or paramilitary groups prior to the return of democracy. If an application for compensation was processed prior to the adoption of Act No. 24,321, the concept of "presumption of death" is used.

28. In Chile, a declaration of presumption of death by disappearance takes place before the Court of Civil Jurisdiction. Five years must have elapsed and three notices in the Diario Oficial must have been published with an interval of more than two months between each publication before the Civil Court may pass judgement. In addition, Chile requires the testimony of two witnesses to support the case.

29. In Guatemala, two years must have elapsed (one year in the case of war or other disaster) before a declaration of death may be made. Three notices over a period of one month must be made in the Diario Oficial and another mass circulation newspaper.

30. In Ethiopia, two years must have elapsed before a court may, upon the provision of sufficient evidence, officially declare a person absent. If the evidence collected by the court establishes in a manner which may be considered certain that the absentee is dead, the court may deliver a judgement declaring the death of the absentee.

31. In Honduras, a minimum of five years (or two years in specific cases such as military actions, shipwreck, etc.) must have elapsed before determination by the court of presumption of death. Notices concerning the missing individual must also be published in the Official Journal of the Republic at least three times at intervals of not less than four months before any such declaration may be made.

32. In India, sections 107 and 108 of the Indian Evidence Act lay down the requirements relating to the burden of proving the death of a person. These sections provide that when the question is whether a person is alive or dead,

and it is shown that he or she was alive within 30 years, the burden of proving that he or she is dead is on that person who affirms it. Where there is a question whether a person is alive or dead and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is shifted to the person who affirms it.

33. Peru stipulates that 10 years must have passed before a court may issue a notice of death, two years when the circumstances involved grave danger of death, or five years if the person was over 80 years old.

34. In Sri Lanka, with respect to persons who have died in the course of civil disturbances, as a result of violence and terrorist activity, a particular procedure has been established which requires that only one year must have passed before a next-of-kin may apply to register the disappearance under the country's Registration of Deaths (temporary provision) Act No. II. This legislation was reportedly enacted for the specific purpose of alleviating the hardship caused to next-of-kin due to practical difficulties impeding the registration of deaths in the special circumstances covered by the Act.

35. Turkey, for its part, stated that if a person has disappeared under circumstances which suggest that the person was killed, the "highest administrative authority" has the capacity to declare the "presumption of death" of the individual.

36. Uruguay stipulates that four years must have passed before a "presumption of absence" may be established. The notion of "presumption of death" does not exist in Uruguayan domestic law.

37. The majority of States surveyed permit any concerned or interested party to initiate the procedure leading to a declaration or presumption of death, or absence. In Chile, Ethiopia, Guatemala, Morocco, Peru and Uruguay, any individual may initiate the proceedings. In Argentina, relatives up to the fourth degree and cohabiting partners may initiate the procedure. Turkey stated that any "related" person might undertake the proceedings. In the Philippines and Sri Lanka only next-of-kin are permitted to undertake the procedure.

38. The Working Group further enquired whether a person might be presumed dead over the objections of the family. In Chile, if a third party can demonstrate that he or she has an effective interest in the declaration of disappearance, the family of the person reported to have disappeared may not raise any objection, unless evidence is produced showing that the person is alive.

39. In Guatemala, an objection to a declaration of presumption of death must be lodged before a judge, who must rule on the substance of the request and objections lodged by any person.

40. In the Philippines and Sri Lanka, given that only next-of-kin may initiate the proceedings leading to a declaration of death, the possibility that a third party might secure such a declaration would not arise.

41. Other countries did not respond to this particular question.

42. A number of countries, Guatemala, Honduras, Turkey and Sri Lanka, required that a presumption of death be established before payment of compensation may be made. India said that payment of compensation did not require a presumption of death. Once culpability is established, proof of death is not required.

43. Argentina requires a copy of the judicial decision accrediting an absence through enforced disappearance, or presumption of death, if the application was processed prior to the adoption of Act No. 24,321, which recognized the "state of absence through enforced disappearance". The Office of the Under-Secretary for Human and Social Rights, however, may replace this "absence through enforced disappearance" by issuing a certificate based on the information contained in the files of the National Commission on the Disappearance of Persons (CONADEP).

44. Chile requires only certification by the National Truth and Reconciliation Commission or by the National Compensation and Reconciliation Board, for compensation to be paid in accordance with Law No. 19123, promulgated on 8 February 1992. This law grants compensatory payments to heirs of non-surviving victims of human rights violations, disappearances or executions which occurred between 11 September 1973 and 19 March 1990. However, for other types of compensation, such as benefits under a life insurance policy, pension funds, etc., a judicial declaration of presumption of death by disappearance must first be made.

45. In Peru, a prior notice of presumed death would not be necessary for the payment of compensation in the case where a person has been legally declared to have disappeared.

46. Uruguay does not require a "declaration of absence" before payment; however, it states that Supreme Court practice recognizes that the existence of this declaration helps to speed up the processing of a claim for damages.

3. Exhumations

47. In all of the countries except Uruguay, exhumations have been carried out to determine the identity of persons who disappeared.

48. In Argentina, exhumations are affected by judicial order, and at the express request of the relatives. This procedure is not a precondition for eligibility for the granting of compensation.

49. In Chile, in all cases where information has been given concerning places where the remains of disappeared persons are reported to have been clandestinely buried, the relevant complaint has been lodged with the competent courts, the remains exhumed, and the necessary forensic measures taken to establish the identity of the persons concerned. As of 8 August 1997, the complete remains or fragments of the remains of 267 persons had been exhumed; 231 have been positively identified.

50. Ethiopia said that it used the method of exhumation to determine the identity of persons who have disappeared. The Special Public Prosecutor was currently using the method in the trial of the officials of the former Government.

51. Honduras reported that the Office of the Public Prosecutor initiated investigations into the whereabouts of many of the individuals who had been detained and had disappeared in the 1980s. The first exhumation was undertaken in 1994, the second in 1995 and the third in 1996.

52. India replied that exhumation had been ordered in the Indian courts to establish the identity of a person reported to have disappeared.

53. In Morocco, the procedure governing exhumation is specified by the Royal Decrees of 31 October 1969 and 29 January 1970. The Decrees state that exhumation must be authorized by the local authorities or requested by a legal authority; they specify the procedure to be followed and the precautions to be taken in carrying out exhumations.

54. Peru stated that exhumation may take place only in accordance with a court order; the Government may not order exhumations. The specialized criminal courts have the general power to order exhumations. The Government noted that "this is a relatively frequent practice to which judges resort and whenever they deem it necessary to do so, and not only for cases of disappearances".

55. Turkey, for its part, stated that exhumations may be conducted, but did not indicate whether the method had in fact been used in the past.

56. Uruguay has not employed the method of exhumation to determine the identity of a person reported to have disappeared.

4. Amount of compensation and other forms of redress

57. Several States have compensated either victims or families of victims of disappearances either materially and/or through social benefits. In Argentina, as of 2 September 1997, applications had been received in connection with 5,000 cases of disappearances; favourable decisions had been passed in 1,200 cases, and payments were due to be made shortly.

58. In Chile, as of 31 December 1996, the Government had authorized the payment of compensation to 4,630 relatives of 2,730 persons declared by the National Truth and Reconciliation Commission or by the National Compensation and Reconciliation Board to be non-surviving victims. Educational benefits were received by 988 children of victims studying in higher education establishments, whose enrolment charges and monthly fees are paid in full by the State. In addition, these students are paid an educational subsidy monthly during the 10 months of the academic year whose value for the month of August 1997 was the equivalent of US$ 71.76. Relatives of victims receive care free of charge under the State health system, and the State also bears 7 per cent of the cost of private health insurance or insurance under the State National Health Fund, according to the preference of those concerned. As of 30 September 1997, the Government of Chile had paid to

relatives, by virtue of Law No. 19.123, a total amount of compensation of 35,340,496,000 Chilean pesos (approximately US$ 85 million). As at the same date, 133 requests for payment of compensation remained pending, awaiting the submission of the necessary documentation.

59. Guatemala replied that no judgements have been handed down establishing State responsibility in a case involving the offence of enforced disappearance, and therefore no compensation had been paid.

60. Honduras has paid compensation to the families of two victims, following a decision by the Inter-American Court of Human Rights.

61. India has paid compensation to victims of disappearance and their families. It gave one example in which the spouse of a disappeared person received the equivalent of approximately US$ 27,693.

62. In the Philippines, next-of-kin may claim compensation. The State also provides for appropriate medical care and rehabilitation for the victims who reappear, and for the families of victims who are found dead. As of 13 October 1997, financial assistance had been extended to 282 victims in the amount of approximately US$ 100,000.

63. Sri Lanka, as of August 1997, had paid compensation in relation to 5,991 deaths in the amount of approximately US$ 360,826. A sum of approximately US$ 1,694,900 has been allocated by the General Treasury of Sri Lanka to the governmental institution, The Rehabilitation of Persons, Properties and Industries Authority, for 1998 for the purpose of paying compensation to families, including dependants of "missing persons". As at 30 June 1997, 9,096 cases were pending payment.

64. In Uruguay, between 1986 and 1987, 36 actions were brought against the State for human rights violations, including unlawful or prolonged detention, abuse of authority, expropriation, ill-treatment, and enforced disappearance. Of these, 33 have been settled. Three of these concerned the disappearance of detainees; two other cases involving the disappearance of detainees are currently before the courts. The Government noted that in some cases, the relatives of missing persons did not avail themselves of the legal remedy, and allowed the time limit for claims to expire. The amounts claimed were in pesos, but payment was ultimately made in US dollars. The average compensation paid was between US$ 100,000 and US$ 156,000. Some 20 families had received compensation. There are at present no cases of missing detainees pending payment before the Uruguayan authorities.

65. The Working Group considers the aspect of compensation extremely important to its future activities concerning the clarification of old cases. The Working Group has decided to continue to consult and exchange views with Governments, non-governmental organizations and families concerning these questions, and in its future reports intends to devote particular attention to this issue.

G. Implementation of the Declaration on the Protection of All Persons from Enforced Disappearance

66. The Declaration refers to the right to a prompt and effective judicial remedy, as well as unhampered access of national authorities to all places of detention, the right to habeas corpus, the maintenance of centralized registers of persons deprived of their liberty, the duty to investigate fully all alleged cases of disappearance, the duty to try alleged perpetrators of disappearance before ordinary (not military) courts, the exemption of the criminal offence of acts of enforced disappearance from statutes of limitations, special amnesty laws and similar measures leading to impunity. It also provides for adequate compensation to the victims or, in the event of death, to their dependants. The Working Group continued to remind the Governments of these obligations not only in the context of clarifying individual cases, but also by taking action of a more general nature. During the year under review, it drew the attention of Governments and non-governmental organizations to the general or specific aspects of the Declaration; it discussed with representatives of Governments and non-governmental organizations how to solve specific problems in the light of the Declaration and how to overcome obstacles to its implementation.

67. Based on its experience in dealing with individual cases, the Working Group also continues to issue country-specific observations, thereby drawing the attention of the Governments concerned to the relevant provisions of the Declaration. With a view to focusing the attention of Governments more effectively on the relevant obligations deriving from the Declaration, the Working Group decided, at its fiftieth session, to adopt the following general comments on those provisions of the Declaration that might need further explanation in the light of the experience of the Working Group in its communications with Governments.

General comments on article 19 of the Declaration

68. Article 19 of the Declaration reads as follows:

> "The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependants shall also be entitled to compensation."

69. Article 19 constitutes an important remedy for victims of enforced disappearances and their families. It complements the rights of detained persons and their families under articles 9, 10 and 13 of the Declaration. While the rights in these articles are designed to prevent, investigate and terminate acts of enforced disappearance, the remedies in article 19 apply to "victims of acts of enforced disappearance and their family" after their fate and whereabouts have been established, be they alive or dead. In other words, the obligations of States under the Declaration go far beyond their primary duty to establish the fate and whereabouts of disappeared persons.

70. The right to obtain redress in article 19 of the Declaration is broader than the right to an effective legal or judicial remedy as stipulated, for

instance, in article 2 (3) of the International Covenant on Civil and Political Rights. As has been recognized in the jurisprudence of United Nations treaty monitoring bodies and in the draft basic principles and guidelines on the right to reparation for victims of [gross] violations of human rights and international humanitarian law (E/CN.4/1997/104, appendix), the right to obtain redress derives from the general obligation of States to ensure human rights and applies, in particular, to cases of gross violations.

71. The exact content of the right to obtain redress depends, of course, on the nature of the right which has been violated. Taking into account the particularly serious nature of any act of enforced disappearance which, in the words of article 1 of the Declaration, "is an offence to human dignity" and which "places the persons subjected thereto outside the protection of the law and inflicts severe suffering on them and their families", the Declaration first and foremost focuses on the obligation of States to make acts of enforced disappearance an offence under criminal law (article 4) and to bring the perpetrators to justice (article 14). Bearing in mind that impunity is one of the major root causes of the widespread practice of enforced disappearance, many victims of such acts and their families consider the prosecution and punishment of the perpetrators as important redress for their suffering.

72. Article 19 also explicitly mentions the right of victims and their family to "adequate compensation". States are, therefore, under an obligation to adopt legislative and other measures in order to enable the victims to claim compensation before the courts or special administrative bodies empowered to grant compensation. In addition to the victims who survived the disappearance, their families are also entitled to compensation for the suffering during the time of disappearance and in the event of the death of the victim, his or her dependants are entitled to compensation.

73. Compensation shall be "adequate", i.e. proportionate to the gravity of the human rights violation (e.g. the period of disappearance, the conditions of detention, etc.) and to the suffering of the victim and the family. Monetary compensation shall be granted for any damage resulting from an enforced disappearance such as physical or mental harm, lost opportunities, material damages and loss of earnings, harm to reputation and costs required for legal or expert assistance. Civil claims for compensation shall not be limited by amnesty laws, made subject to statutes of limitation or made dependent on penal sanctions imposed on the perpetrators.

74. The right to adequate compensation for acts of enforced disappearance under article 19 shall be distinguished from the right to compensation for arbitrary executions. In other words, the right of compensation in relation to an act of enforced disappearance shall not be made conditional on the death of the victim. "In the event of the death of the victim as a result of an act of enforced disappearance", the dependents are, however, entitled to additional compensation by virtue of the last sentence of article 19. If the death of the victim cannot be established by means of exhumation or similar forms of evidence, States have an obligation to provide for appropriate legal procedures leading to the presumption of death or a similar legal status of the victim which entitles the dependants to exercise their right to compensation. The respective laws shall specify the legal requirements for

such procedure, such as the minimum period of disappearance, the category of person who may initiate such proceedings, etc. As a general principle, no victim of enforced disappearance shall be presumed dead over the objections of the family.

75. In addition to the punishment of the perpetrators and the right to monetary compensation, the right to obtain redress for acts of enforced disappearance under article 19 also includes "the means for as complete a rehabilitation as possible". This obligation refers to medical and psychological care and rehabilitation for any form of physical or mental damage as well as to legal and social rehabilitation, guarantees of non-repetition, restoration of personal liberty, family life, citizenship, employment or property, return to one's place of residence and similar forms of restitution, satisfaction and reparation which may remove the consequences of the enforced disappearance.

II. INFORMATION CONCERNING ENFORCED OR INVOLUNTARY DISAPPEARANCES IN VARIOUS COUNTRIES REVIEWED BY THE WORKING GROUP, AND THE PALESTINIAN AUTHORITY

Afghanistan

76. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Afghanistan.

77. The two outstanding cases concern a Jordanian journalist who reportedly disappeared in Jalalabad, province of Nangarhar, in 1989 while on assignment, and an American citizen of Afghan origin who allegedly disappeared in 1993 when he was on a visit to Afghanistan.

78. Although the Working Group is aware that many more cases of disappearance could have occurred in Afghanistan, individual cases have not been brought to the Working Group's attention to allow it, in accordance with its methods of work, to take action.

79. In the past, the Government has provided information on the two outstanding cases, stating that in one case the person concerned had never been arrested and in the second case, following a lengthy investigation by the security forces, as well as efforts in the Ministry for Foreign Affairs, the subject's name had not been found in the register of any prison. During the period under review no new information was received from the Government of Afghanistan which would allow the Working Group to clarify the fate and whereabouts of the persons reported as missing.

Algeria

80. During the period under review, the Working Group transmitted 49 newly reported cases of disappearance to the Government of Algeria, seven of which reportedly occurred in 1997; one was sent under the urgent action procedure. This case was subsequently clarified when the source reported that the person concerned had been released. During the same period, the Working Group

decided to reopen one case which had previously been clarified and to retransmit it to the Government, when new information was received from the source informing the Group that the person concerned was still missing.

81. The majority of the 153 cases of disappearance occurred between 1993 and 1995. The security forces were allegedly responsible for all the arrests and subsequent disappearances which reportedly occurred throughout the country, although mainly in Algiers. A number of the disappeared persons are reported to have been members or sympathizers of the Islamic Salvation Front (FIS). The victims were from a variety of professions, including medical doctors, journalists, university professors, students, civil servants and farmers.

82. The 48 newly reported cases occurred between 1994 and 1997 in various towns and villages throughout the country, although mainly in the capital and Constantine. The security forces as well as the police and gendarmerie were alleged to be responsible for these disappearances. The persons concerned were mainly educated and from various professional backgrounds including civil servants, i.e. a director at the Ministry of Youth and Sports, nurses, secretaries, medical doctors, journalists, architects and students. One case concerned the mother of a person who had previously disappeared, and who had reportedly publicly criticized human rights violations in Algeria.

83. During the period under review, the Working Group received information from non-governmental organizations concerning the non-compliance by the Government of Algeria with provisions of the Declaration on the Protection of All Persons from Enforced Disappearance. It is said that disappearances continue to occur in Algeria following arrest by members of the security forces. It is alleged that persons are often abducted from their home, their place of work or from the street. When family members seek information on their detained relatives from the police or the gendarmerie, all knowledge of the detained person is said to be denied, in violation of article 10. The families are, therefore, reportedly unable to obtain any information about their relatives unless they are brought before the courts, which is said to often take weeks or months after the arrest. Many of the disappeared persons, however, are alleged to remain disappeared or to be found dead.

84. Those responsible for disappearances are said to act with impunity, in violation of article 14.

85. During the period under review, the Government provided information on 27 individual cases. For 23 of them, the Government stated that the persons concerned had never been summoned by the authorities for interrogation. In two cases the persons concerned were being sought by the authorities, and in one case, the Government reported that the person concerned was wanted by the security forces on charges of an alleged connection with an armed terrorist group, and that he had been found dead. With regard to the case which was reopened subsequent to further information from the source, the Government confirmed to the Working Group its previous reply stating that the person concerned had been released after 48 hours and a thorough interrogation.

Observations

86. The Working Group wishes to thank the Government for the information which it has submitted during this year, and expresses its deep concern at the increase of violence and reported cases of disappearances in Algeria. While the Group understands the difficult position the Government of Algeria faces in combating such violence, it nevertheless wishes to remind the Government that under article 7 of the Declaration, no circumstances whatsoever, including internal political instability or any other public emergency, may be invoked to justify enforced disappearances. Moreover, resorting to such practices often results in a further spiral of violence.

87. The practice of disappearances needs to be tackled at its root cause. The Working Group, therefore, reiterates to the Government its obligation under the Declaration to prevent and terminate all acts of enforced disappearance by, in particular, maintaining an official register of all persons deprived of their liberty, by promptly informing the families and legal counsel of the place of detention of the detainee, and by investigating all cases of disappearance and bringing the perpetrators to justice.

Angola

88. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Angola.

89. The four cases which remain pending on the Working Group's books concern four men who were allegedly arrested in 1977 by the Angolan security forces, in particular by DISA (Angolan information and security forces). Two of them were reportedly arrested because they were suspected of supporting UNITA.

90. With regard to the four outstanding cases, in the past the Government of Angola informed the Working Group that it had done everything in its power to locate all information concerning the people who disappeared at Huambo and Onjiva, but to no avail. The Permanent Representative of Angola to the United Nations Office at Geneva stated that, "for the second time, he visited the provinces of Huambo and Kuando Kubango with a view to personally participating in the inquiry conducted by the Angolan authorities into the disappearance of these four persons". The Government stated that the resources available to the Angolan authorities for meeting the thousands of requests to trace those who disappeared as a result of the war were extremely limited. In addition, many bodies had been spontaneously buried during the fighting, which made it impossible to now identify the places of burial and to locate the remains. Consideration should be given to the fact that many Angolans had no identity papers and had died a violent death.

91. During the period under review, no new information was received from the Government of Angola which would allow the Working Group to clarify the fate and whereabouts of the persons concerned.

Argentina

92. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Argentina. During the same period, the Working Group clarified one case on the basis of information provided by the source in which it was reported that the person concerned had been killed by the military in 1976.

93. The vast majority of the 3,453 reported cases of disappearance in Argentina occurred between 1975 and 1978 under the military Government, in the context of its campaign against left-wing guerrillas and their sympathizers.

94. As in the past, a number of non-governmental organizations have continued to address themselves to the Working Group with regard to their ongoing quest to have the fate of the persons who disappeared in Argentina brought to light, in particular demanding that the Argentine State present any documentation and other information in its possession on the human consequences of the so-called war against subversion, and especially the consequences of such operations for persons on whose whereabouts as disappeared persons information had been requested.

95. In this connection, there are a number of cases before the courts about which the Working Group has been amply informed over the past several years. In 1997, the Group was advised that the judge in these ongoing proceedings initiated an order that the State turn over the information in its possession, but this had reportedly yet to be done.

96. It was further reported that non-governmental organizations had filed a criminal action for child abduction, falsification of identity and other serious offences against children, charging that senior members of the former military Government, in the course of their political and military functions, jointly practised the systematic abduction of children and took measures intended to ensure their own impunity for such offences. On 31 March 1997, the Federal Prosecutor reportedly requested the judge in the case to open an investigation into the matter, stating that the amnesty acts decreed by the Government were not applicable to offences of this kind and that there was no statute of limitations in these cases.

97. The federal judge is said to have ordered the opening of a trial and the initiation of an investigation which would involve both a search for documentation from non-Argentine sources on the enforced disappearance of persons in Argentina and the testimony of witnesses.

98. In addition, during the course of the year, the Working Group was informed that a trial had been opened in Spain into the disappearance in Argentina of Spanish citizens or those of Spanish heritage, and that a trial in Italy pertaining to Italian citizens who disappeared in Argentina was continuing.

99. During the period under review, the Government of Argentina provided information on its policy of compensation or redress, as well as a list of

cases which remain open in the files of CONADEP. The information on compensation is reflected in chapter I.F of the present report. The Government also requested copies of all cases of disappearances reported to the Working Group. This was sent on 10 October 1997.

Observations

100. The Working Group wishes to express its appreciation to the Government of Argentina for the information which it has provided during the period under review. The Group welcomes the positive steps taken by the Government to put in force a policy of compensation to benefit the relatives of disappeared persons.

101. However, while the Group understands the difficulties involved in gathering the information necessary to determine the whereabouts of victims of enforced disappearances which occurred some 20 years ago, the over 3,000 outstanding cases which are still unelucidated remain a matter of serious concern. The Group wishes to remind the Government of its obligation under article 13 of the Declaration to continue to conduct investigations for as long as the fate and whereabouts of the victims of enforced disappearance remain unclarified.

Bangladesh

102. During the period under review, no new cases of disappearance were transmitted to the Government of Bangladesh. During the same period, the Working Group retransmitted the one outstanding case to the Government, updated with new information from the source.

103. This one outstanding case, which reportedly occurred in 1996, concerns the organizing secretary of the Hill Women's Federation (an organization which reportedly campaigns for the rights of the indigenous people in the Chittagong Hill Tracts), who is said to have been forcibly taken from her home in the Chittagong Hill Tracts by security personnel before the general elections of 12 June 1996. It is believed that her abduction may have been linked to her support of a parliamentary candidate representing the interests of indigenous people.

104. In the past, the Government informed the Working Group that the Minister of Home Affairs had established a three-member committee to carry out an investigation into this case and to report to the Ministry. The committee was also to suggest legal steps to prevent such incidents in the future. During the period under review, no new information has been received from the Government with regard to this case.

Bolivia

105. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Bolivia.

106. The majority of the 48 cases of disappearance reported to the Working Group occurred between 1980 and 1982, in the context of measures taken by the authorities following two military coups d'état. Twenty of these cases have been clarified.

107. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Brazil

108. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Brazil. During the same period, the Working Group clarified one case, in which the relatives had recognized as dead their missing family member and for which the Government issued a death certificate. The Government informed the Group of the relatives who had received compensation and the amount paid.

109. Most of the 56 cases of disappearance transmitted to the Government by the Group occurred between 1969 and 1975, under the military Government, in particular during the guerrilla warfare in the Aerugo region. The majority of those cases were clarified by the Working Group in 1996 on the basis of a law concerning the recognition as dead of persons missing in connection with their political activities in the period 1961-1979 (law No. 9.140/95). The law provides that the relatives of the victims of the above-mentioned persons are entitled to obtain death certificates and to receive compensation from the State. Although the right to request death certificates is guaranteed, it is up to each family to decide whether it will exercise this right. The compensation is due by the State automatically after the recognition of the victim's death.

110. During the period under review, the Government of Brazil informed the Working Group that the names of two other persons reported to it as disappeared had been added to the list annexed to the above-mentioned law. However, as the families had not requested a death certificate and compensation, the Working Group decided not to clarify these cases as, in accordance with its methods of work, the family must concur on the presumption of death of a missing person.

Burkina Faso

111. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Burkina Faso.

112. The three outstanding cases of disappearance reported to the Working Group concerned two soldiers and a university professor, all of whom were reportedly arrested in 1989, together with 27 other persons, on charges of having participated in an alleged conspiracy against the Government.

113. Despite a number of reminders, no information has ever been received by the Working Group from the Government regarding these cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Burundi

114. During the period under review, the Working Group transmitted two newly reported cases of disappearance to the Government of Burundi, both of which reportedly occurred in 1997 and were sent under the urgent action procedure.

115. The majority of the 49 reported cases of disappearance reported to the Working Group are said to have occurred in Bujumbura between November and December 1991, following attacks against the Government in the capital and the north-western provinces of Cibitoke and Bubanza, as well as in September 1994 in Kamenge and Cibitoke, suburbs of Bujumbura. Thirty-one of the disappeared persons, who were of Hutu origin, were reportedly arrested by members of the security forces, mainly composed of the Tutsi minority. Most of them were later held at Mura and at paratroopers' barracks in Bujumbura, while others allegedly disappeared while in custody at the headquarters of the gendarmerie's Special Investigations Brigade, in Bujumbura. Other cases of disappearance allegedly concern Hutus, most of whom had reportedly been assembled and held by members of the security forces on the playing field of the Ecole technique supérieure in Bujumbura, Kamenge suburb. These persons, reportedly suspected of possessing arms, were said to have been arrested and taken away to an unknown destination by members of the armed forces. Two cases reportedly occurred in 1995 and concerned persons arrested by gendarmes; one at a checkpoint in Bujumbura, and the other during an identity check on the outskirts of the capital. One case concerns a colonel responsible for military schools and the training centre of the Burundian Army, who was reportedly abducted prior to his departure for a seminar abroad.

116. The newly reported cases allegedly occurred in August 1997 in Makambo province, near the Tanzanian border, and concerned a parliamentarian and his driver who were reportedly arrested on their way to the United Republic of Tanzania by members of the military.

117. Although a number of reminders have been sent, no information has ever been received by the Working Group from the Government with regard to these cases of disappearance. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Cameroon

118. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Cameroon.

119. All of the six cases reported to the Working Group occurred in 1992. The cases concerned five youngsters aged 13 to 17, including three brothers, who were reportedly seen being taken into police custody in Bamenda in February 1992 at the time of the arrest of leaders of the Cameroon Anglophone

Movement, and over 40 peasants, following a peaceful demonstration. The father of the three brothers also disappeared, following his inquiries to determine the whereabouts of his children.

120. During the period under review, the Government informed the Working Group that the persons concerned never existed and that an individual had been charged with fraud in this connection, arrested and released on bail. The Working Group has requested the Government to provide it with additional details.

Chad

121. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Chad.

122. Of the 12 cases of disappearance reported to the Working Group in the past, one occurred in 1983, five in 1991 and six in 1996. One case was submitted by a relative of the victim and concerned a member of the Democratic National Union who was reportedly taken prisoner in July 1983 in the context of clashes between government troops and opposition forces which took place at Faya-Largeau. Five cases concerned members of the Hadjerai ethnic group who were reportedly arrested on 13 October 1991 by the Chadian security forces. They are said to have been detained following an announcement by the authorities that an attempt by a section of the Chadian armed forces to overthrow President Idriss Deby had been thwarted. Six other cases concern members of armed opposition groups who are said to have been arrested by the Sudanese security forces in 1996 at El Geneina in the Sudan, near the Chadian border, and handed over to the Chadian security forces. They are alleged to have then been transferred to N'Djamena by members of the Agence nationale de sécurité.

123. During the period under review, and despite several reminders, no information has ever been received by the Working Group from the Government concerning these cases. The Working Group is, therefore, unable to report on the fate of the disappeared persons.

Chile

124. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Chile. During the same period, the Working Group considered one case clarified, based on information provided by the Government of Uruguay in which it was reported that the body of the person concerned, a Uruguayan citizen, had been found in section No. 29 of the General Cemetery of Santiago, identified and repatriated to Uruguay.

125. The vast majority of the 912 reported cases of disappearance in Chile occurred between 1973 and 1976 under the military Government. They concerned political opponents of the military dictatorship, from different social strata, most of them activists in the Chilean leftist parties. Those responsible for the disappearances were members of the army, the air force, the carabineers and persons acting with the acquiescence of the authorities.

126. During the period under review, the Government of Chile provided voluminous information on the 847 outstanding cases. This information was collected by the National Truth and Reconciliation Commission, by the National Agency for Compensation and Reconciliation, and by the Programme of Follow-up to Act No. 19.123. The Working Group was informed that, although the National Agency for Compensation and Reconciliation ceased to function on 31 December 1996 for legal reasons, its Victims' Final Destiny Programme remains in effect. This programme is intended to establish the whereabouts of detained and disappeared persons and the bodies of those whose remains have not been found, despite the existence of an official record of their deaths. The Working Group is currently studying this information.

127. The Government of Chile also provided the Working Group with detailed information on compensation to the victims of enforced disappearance (see chap. I.F).

Observations

128. The Working Group wishes to thank the Government of Chile for the extensive information which it has provided during the period under review, and for its efforts to investigate and clarify the fate of the persons who disappeared in the past. The Group continues to follow with interest the efforts of the Government to compensate the families of victims of enforced disappearances.

129. However, the Group remains concerned that notwithstanding the efforts of the Government, very few cases on the Working Group's files have been clarified. The Working Group wishes to remind the Government of its obligation under article 13 of the Declaration to investigate all alleged cases of disappearance for as long as the fate of the victim remains unclarified.

China

130. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of China. During the same period, the Working Group clarified two cases on the basis of information previously submitted by the Government on which no objection was received from the source; in both cases the persons concerned were in prison.

131. Most of the 73 cases of disappearance reported to have occurred in China took place between 1988 and 1990, although several cases are said to have occurred in 1995 and 1996. The majority of these cases concern Tibetans. Reportedly, some of them disappeared after being arrested for writing or singing national poems or songs. Nineteen of these cases concerned a group of Tibetan monks who had reportedly been arrested in Nepal, interrogated by Chinese officials while in detention and, allegedly, turned over to the Chinese authorities at the Jatopani border. One of the disappeared persons is said to have been arrested for having participated in a religious ceremony in which a prayer was offered for the long life of the Dalai Lama, and several others were reportedly arrested in Lhasa in 1995 and 1996 for having distributed leaflets containing political messages. Four monks who reportedly disappeared in 1996 were allegedly accused of having produced pro-independence

posters and leaflets containing prayers for the health and safety of the child who was recognized by the Dalai Lama on 14 May 1995 as the reincarnation of the late Panchen Lama, and who was reported to have disappeared. Several other persons are reported to have disappeared following celebrations to mark the thirtieth anniversary of the founding of the Tibet Autonomous Region. Other persons who reportedly disappeared were human rights activists involved in pro-democracy activities. One other case is said to have occurred in 1995 in Beijing and concerns a writer who was reportedly arrested two days after signing a petition entitled "Greeting the United Nations Year of Tolerance, We Appeal for the Realization of Tolerance in China", on the occasion of the sixth anniversary of the 1989 Tianammin Square incident. Three of the reported cases concerned persons who disappeared after the incidents in Beijing in 1989.

132. During the period under review, the Government replied to reports received by the Working Group during 1996 that there was an emerging pattern of disappearances in Tibet which consisted in "recurrent detention", where a person is taken into custody for a few days or hours, then released, and the process repeated several days later. The Government of China replied that such allegations are "groundless" and that there are "no such incidents as 'recurrent detention'".

133. With regard to allegations that the prison system in various parts of the country, in particular Tibet, falls under the jurisdiction of the Ministry of Public Services rather than that of the Ministry of Justice, the Government replied that, in China, the Ministry of Public Services does not exist, and "the prison system is under the jurisdiction of the Ministry of Justice. The public security authorities are charged by law with the responsibility for criminal investigation and are under the supervision of the People's Procuratorate, which itself is also authorized to make investigations into cases directly received by it".

134. During the period under review, the Government also provided information on 23 individual cases of reported disappearance. With regard to seven cases, the Government replied that the persons concerned had been arrested, tried, and were currently serving prison sentences. In five cases, the persons concerned had been detained and released, and in two other cases, the persons concerned could not be found. In six cases, the Government reported that the persons concerned did not exist. Three cases concerned the disappearance of the boy, Gedhun Nyima, who was reportedly recognized as the reincarnation of the tenth Panchen Lama by the Dalai Lama in 1995, and his parents. The Government stated the following: "A small number of ill-intentioned people have attempted to smuggle the boy abroad and even endanger his personal safety. Fearing for his safety, the boy's parents appealed to the Government for protection. The Government has responded to their request by taking security measures to protect the boy and his parents. At present they are leading normal lives and enjoying good health".

Colombia

135. During the period under review, the Working Group transmitted 36 newly reported cases to the Government of Colombia, 16 of which reportedly occurred in 1997. Of these newly reported cases, 15 were transmitted under the urgent

action procedure. During the same period, the Group clarified six cases on the basis of information provided by the Government in 1996 on which the source did not make any observations during the six-month period. In one of those cases the missing person was located in a prison. In the other five cases, the corpses were found and identified two days after the arrest. The Working Group also clarified four cases on the basis of information provided by the source. In three cases the persons were found dead a few days after their disappearance. The fourth case concerns a person who disappeared in 1984 and whose remains were handed over by the authorities to the family in November 1996.

136. The majority of the 1,006 reported cases of disappearances in Colombia have occurred since 1981, in particular in those regions where the level of violence is highest. The cases include those of persons belonging to civic or human rights groups who had publicly denounced abuses by members of the security forces or paramilitary groups.

137. The newly reported cases transmitted this year occurred mainly in rural areas of the Departments of Antioquia, Cordoba and Choco. Most of the detentions leading to disappearances were carried out by members of paramilitary groups believed to act with the complicity or the passivity of the security forces, very often in areas of heavy military presence. In a few cases the sources pointed to the army as the force responsible for the arrest. Sixteen cases concerned a group of peasants abducted in Antioquia by a paramilitary group believed to be linked to the army, who accused the victims of cooperating with a guerrilla group.

138. The Working Group called to the Government's attention the harassment to which the family of a missing person was being subjected. According to information received, the harassment was in connection with their intervention in the penal proceedings against members of the police allegedly involved in the case. Moreover, a friend of the missing person and witness to the proceedings was reportedly killed in February 1997. The Working Group also expressed concern to the Government in connection with information received indicating that in June 1997 a bomb had exploded in the building where the Association of Relatives of Disappeared Detainees in Medellín has its offices. Several persons were injured and the Association's files were destroyed. No information or comments were received from the Government in connection with any of these incidents.

139. The Working Group also informed the Government that reports received regularly from non-governmental sources suggest that forced disappearances continue to occur in the country and that the main recommendations made by the Working Group following its visit to Colombia in 1988 have not been implemented.

140. Not all cases submitted by non-governmental sources were acted upon by the Working Group, due to the fact that they did not meet all the criteria indicated in the methods of work. Very often the corpses of the missing persons are found a few days or weeks after the arrest or kidnapping. In these circumstances the Working Group considers the case as an execution and not a disappearance. The persons are also frequently abducted by unknown individuals belonging to paramilitary groups whose links with security forces

are not always easy for the families to establish. The Group considers it reasonable to think, however, that the number of missing persons falling under its mandate is probably higher than the number of cases it has actually processed.

141. One of the issues on which the Working Group had made recommendations concerned the right of missing persons and their families to an effective remedy. The information received from non-governmental organizations during 1997 indicates that the judicial investigations to locate the missing persons and punish those responsible almost never succeed and that with regard to human rights cases, the justice system has not achieved major improvements since 1988. One possible exception is the investigation into the disappearance of 19 traders in 1987. The investigation carried out by the ordinary justice system concluded that the victims had disappeared after being arrested at a military checkpoint. Three civilians who had acted in conjunction with members of the armed forces were sentenced to 90 years of imprisonment. However, no members of the armed forces have been punished by the military courts for the same facts. In a case concerning the disappearance of a group of students in Bogotá in 1982 the Inter-American Commission on Human Rights, in 1991, requested the Government to initiate new judicial proceedings against members of the army who had been exonerated or not prosecuted at all by the military justice system. This request remains unattended.

142. Finally, the Working Group received information about the new bill on enforced disappearance presented by the Government to the Congress in November 1997 and recommended that the final text should fully comply with the provisions of the Declaration on the Protection of All Persons from Enforced Disappearance. The Working Group also received information about a decision of the Constitutional Court dated 5 August 1997 in which it is stated, inter alia, that certain crimes do not constitute service-related acts and therefore should not fall under military jurisdiction, for example, crimes against humanity. In those circumstances, the Government said, the case should be assigned to the ordinary courts in view of the total incompatibility between the crime and the tasks of the public security forces under the Constitution. Non-governmental sources, however, expressed concern that since the ruling, the Government had not made the necessary arrangements for referral to the ordinary justice system of cases currently under the military criminal justice system that did not fulfil the conditions for a hearing in the military courts, in conformity with the Constitutional Court's ruling.

143. During the period under review, the Government transmitted information on some 24 outstanding cases. Most of these replies contained details of the legal proceedings carried out by the various authorities dealing with the cases. Only one of them, however, contained information about the whereabouts of the missing person.

Observations

144. The Working Group wishes to express its appreciation to the Government of Colombia for its cooperation during the period under review. It understands the difficulties in gathering the information necessary to determine the whereabouts of the victims of enforced disappearances in the

context of violence and internal war which the country is experiencing. However, the Working Group is deeply concerned that the overall human rights situation has not improved, the level of violence has not diminished, and disappearances have continued to occur during the period under review.

145. The Working Group emphasizes the need that, should the bill on enforced disappearances be approved, it should fully comply with the provisions of the Declaration on the Protection of All Persons from Enforced Disappearance.

146. The Working Group wishes to remind the Government of the urgency of taking "effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance", in accordance with article 3 of the Declaration. It also reminds the Government of its continuous responsibility to conduct thorough and impartial investigations "for as long as the fate of the victim of enforced disappearance remains unclarified", in accordance with article 13 (6) of the Declaration.

147. The Working Group emphasizes the responsibility of the Government to try alleged perpetrators of disappearances in ordinary and not military courts, in accordance with article 16 of the Declaration, and to ensure "a prompt and effective judicial remedy" as a means of preventing disappearances, in accordance with article 9. It is especially important to have full guarantees of habeas corpus. Finally, it urges the Colombian authorities to do everything in their power to ensure the safety of relatives and witnesses, in accordance with article 13 (3).

Cyprus

148. As in the past, the Working Group continued to remain available to assist the Committee on Missing Persons in Cyprus (CMP). The Working Group noted that in 1997 the overall situation relating to the CMP's work has remained as indicated in its last report (E/CN.4/1997/34, paras. 123-125). During the period under review, the Secretary-General did not initiate the procedure to appoint a new third member of the CMP because there was not a clear commitment by both sides to expedite the work of the CMP in accordance with its terms of reference and the criteria proposed by the Secretary-General in May 1995.

149. On the other hand, the Working Group welcomed the agreement reached by the leaders of the two communities on 31 July 1997 in the presence of Mr. Gustave Feissel, Deputy Special Representative of the Secretary-General and Chief of Mission of the United Nations operation in Cyprus.

150. In this agreement the two leaders agreed, as a first step to resolving the problem of the missing persons, to provide each other with all information already at their disposal on the location of graves of Greek and Turkish Cypriot missing persons. They also agreed to designate a person who would meet to exchange this information and to prepare the necessary arrangements leading to the return of the remains of these Greek Cypriot and Turkish Cypriot missing persons. On 30 September 1997, the leader of the Greek Cypriot community informed Mr. Feissel that his side had completed its work and was ready to proceed as agreed on 31 July 1997. The Turkish Cypriot side

indicated that it would be ready by the end of November 1997, but unforeseen technical difficulties have delayed completion of their submission which was expected for the end of the year.

151. In their 31 July 1997 agreement, the two leaders also requested the Secretary-General of the United Nations to appoint a new third member of the CMP in order to expedite the conclusion of the Committee's work. The Secretary-General has indicated that, as soon as the implementation of the 31 July agreement has been effectively launched, he will proceed with the appointment.

Democratic Republic of the Congo

152. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Democratic Republic of the Congo.

153. The majority of the 27 reported cases of disappearance occurred between 1975 and 1985 and concerned persons suspected of being members of a guerrilla group known as the Parti de la révolution populaire or of being political activists. Other cases concern a journalist who was allegedly abducted from his home in 1993 by members of the Division spéciale présidentielle and the civil guard, and interrogated on the premises of the State radio station, Voix du Zaïre, and four men who were allegedly arrested in Likasi in 1994 by soldiers and detained for almost two months before being transferred to Kinshasa; since then their whereabouts have remained unknown. Two cases concern villagers from Kitshanga who were reportedly arrested by members of the Zairian Armed Forces in September 1996 as they were on their way to Goma, capital of North Kivu. Another case concerns a man who is said to have been arrested by members of the Service for Action and Military Intelligence (Service d'actions et de renseignements militaires), also in September 1996.

154. During the period under review, one member of the Working Group, Mr. Jonas K.D. Foli, participated in a joint mission to investigate allegations of massacres and other issues affecting human rights which arose from the situation prevailing in the eastern part of the country since 1996, in accordance with Commission on Human Rights resolution 1997/58. The report on this mission is contained in document E/CN.4/1998/64.

155. During the period under review, no information was received from the Government of the Democratic Republic of the Congo. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Dominican Republic

156. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Dominican Republic.

157. Of the two outstanding cases, one concerns a person who was arrested in June 1984 in Santo Domingo and who subsequently disappeared. The other

concerns a university lecturer, who was also a journalist and political activist, and who was reportedly detained in May 1994 by members of the army and subsequently taken to a military base.

158. During the period under review, the Government of the Dominican Republic provided information on one of the cases, in which it referred to information it had submitted in the past and stated that the person concerned had a criminal record for crimes which included rape and leaving the country illegally, and therefore it was not unlikely that he was out of the country.

Ecuador

159. During the period under review, the Working Group transmitted one newly reported case of disappearance to the Government of Ecuador, which allegedly occurred in 1997 and was sent under the urgent action procedure.

160. The majority of the 20 cases of disappearance reported in the past occurred between 1985 and 1992 and concerned persons who were reportedly arrested by members of the Criminal Investigation Service of the National Police. The disappearances occurred in Quito, Guayaquil and Esmeraldas. In three cases the victims were children. Three other cases concerned Peruvian citizens who were reportedly detained in January and February 1995 in the cities of Huaquillas, Loja and Otavalo.

161. The newly reported case concerns a Colombian citizen who is said to have been detained in Quito by members of the National Police and to have subsequently disappeared.

162. During the period under review, the Government of Ecuador provided information to the Working Group on the investigations carried out by the Government into the newly reported case. According to the Government, the person concerned had been detained by members of the National Police; however, his whereabouts were still unknown and the Government was continuing its investigation.

Egypt

163. During the period under review, two new cases of disappearance were transmitted by the Working Group to the Government of Egypt. During the same period, the Working Group retransmitted two cases to the Government, updated with new information from the source, and clarified five cases on the basis of information previously submitted by the Government on which the source had raised no objections during the period of six months; in all five cases the persons concerned had been arrested and were imprisoned.

164. Of the 19 cases of disappearance reported to the Working Group, seven have been clarified. Of the 12 outstanding cases, the majority allegedly occurred between 1988 and 1994. The victims included alleged sympathizers of Islamic militant groups, students, a trader, a doctor and three citizens of the Libyan Arab Jamahiriya. The renewal of the state of emergency during this period, which reportedly gave free rein to the security forces without supervision or accountability, is said to have been an aggravating factor in the disappearances.

165. The two newly reported cases concern Egyptian citizens arrested, respectively, in 1995 and 1996 by members of the State Security Investigation Department. One of the persons concerned was reportedly detained at his home in Abu Qeraas, south of Cairo, and the second from his shop in Bani Sueif, south of Cairo.

166. During the period under review, the Government reiterated information previously provided on eight cases of disappearance, reporting that in three cases, which involve Libyan nationals, the police are still investigating the relevant circumstances; in two cases, fresh investigations have failed to identify the persons's whereabouts; in two cases, the individuals are suspected of involvement in a crime, and the security forces are pursuing their investigations; in one case, the person concerned escaped following his arrest. The Government of Egypt reiterated its willingness to cooperate with the Working Group, and assured the Group that no efforts had been spared to find the missing persons and that the Government would keep the Group informed of any new information.

El Salvador

167. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of El Salvador.

168. The majority of the 2,661 reported cases occurred between 1980 and 1983, in the context of the armed conflict between the Government of El Salvador and the Farabundo Martí National Liberation Front (FMLN). Many victims disappeared following arrest by uniformed soldiers or uniformed police, or abduction in death-squad-style operations carried out by armed men in civilian clothing, reportedly linked to the army or to the security forces. Abductions by armed men in civilian clothing were, in some cases, subsequently recognized as detentions, which raised allegations of links with the security forces.

169. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Observations

170. The Working Group continues to be concerned that little has been done to clarify the more than 2,000 outstanding cases, and that no information has been received from the Government during 1997 regarding these cases. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct investigations throughly and impartially for as long as the fate of the victim remains unclarified.

171. The Working Group wishes to express its hope that the Government and the relatives will take steps to clarify the outstanding cases and, if applicable, implement the provisions of article 19 of the Declaration, which entitles the victims and relatives to compensation.

Equatorial Guinea

172. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Equatorial Guinea.

173. The three reported cases of disappearance concern members of political opposition parties who were reportedly arrested in Malabo on 9 and 10 August 1993. The police authorities, however, reportedly refused to disclose any information on their whereabouts.

174. Although several reminders have been sent, no information has ever been received by the Working Group from the Government on the three outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Ethiopia

175. During the period under review, the Working Group transmitted five newly reported cases of disappearance to the Government of Ethiopia. During the same period, the Working Group retransmitted two cases to the Government, updated with new information from the sources.

176. The majority of the 105 cases of disappearance reported to the Working Group occurred between 1991 and 1996 under the Transitional Government, and concerned members of the Oromo ethnic group suspected of participation in the Oromo Liberation Front who were arrested in Addis Ababa or disappeared from the military detention camp Huso in western Ethiopia. Other cases concerned members of the Ogaden National Liberation Front(a political party) who disappeared in Region Five in eastern Ethiopia, also known as the Ogaden, an area reportedly inhabited by ethnic Somalis and in which there were reports of cases which occurred between 1974 and 1992 after the military Government took power, and concerned mainly, although not exclusively, high-ranking officials of Emperor Haile Selassie's Government and members of the Oromo ethnic group, in particular those believed to be involved with the Oromo Liberation Front, or persons accused of involvement with opposition political groups, including the Ethiopian Socialist Movement. One case, which occurred in 1996, concerned an Ethiopian refugee in Djibouti who was reportedly arrested at a refugee camp in Djibouti by members of the Djibouti police and handed over to the Ethiopian authorities.

177. The newly reported cases allegedly occurred between 1991 and 1996; four of them concerned members of the Oromo ethnic group, including two students, a judge and one person of unknown profession. The fifth case concerned a merchant who reportedly disappeared in Hararge.

178. During the period under review, the Government provided information on one individual case. It reported that, according to the subject's father, the person concerned was in Addis Ababa receiving medical attention. The Government also replied to the Working Group's questionnaire concerning the issue of compensation. This information is contained in chapter I.F of the present report.

Observations

179. The Working Group wishes to thank the Government of Ethiopia for the information which it has submitted during this year. It stresses, however, that under article 17 of the Declaration, acts constituting enforced disappearance shall be considered a continuing offence for as long as the perpetrators continue to conceal the fate and the whereabouts of persons who have disappeared. The Working Group, therefore, reminds the Government that it remains under an obligation to investigate thoroughly all outstanding cases of enforced disappearance and to bring the perpetrators to justice.

Greece

180. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Greece. During the same period, the Working Group retransmitted one case to the Government, updated with new information from the source.

181. Two of the outstanding cases were transmitted to the Government in 1993, and concern Albanian cousins who were reportedly taken by the police in Zagora the same year. The third case concerns a Swiss citizen who was reportedly travelling from Greece to Italy in 1995 on a Greek ship and who was denied entry into Italy and returned to Greece on the same ship.

182. During the period under review, the Government provided information to the Working Group on all three of the outstanding cases. With regard to the two Albanian cousins, the Government reported that on the night of their disappearance, they were at a hostel together with other illegal immigrants. The Government provided details of its investigation, which it said was continuing. In connection with the third case (the Swiss citizen), the Government reported that in the past, the subject had twice been denied entry into Greece and was expelled from the country on several occasions for involvement in international criminal activity. The Government stated that the Italian authorities had returned him to Greece on the Greek ferry, but that no official exit of the subject from the ship is recorded and that he may have gone ashore before a passenger disembarkation control took place. The Government further reported that the competent authorities were conducting an investigation, and any results of their search would be communicated to the source and the subject's family.

Guatemala

183. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Guatemala. During the same period, the Working Group clarified 17 cases on the basis of information previously provided by the Government on which the source had made no observations within the six-month period; in 11 cases the persons concerned were found living at liberty, and the corpses of the six other persons were located.

184. Concerned about the number of disappearances in Guatemala, the Working Group undertook a visit to that country in 1987. According to the report on that mission (E/CN.4/1988/19/Add.1), efforts should be made to improve the

functioning of habeas corpus procedures, to protect the life of witnesses, as well as of individuals and members of organizations reporting cases, and to adopt effective measures to prevent and clarify disappearances.

185. The majority of the 3,151 reported cases of disappearance in Guatemala occurred between 1979 and 1986, mainly under the military regimes, and in the context of the Government's fight against the Unidad Revolucionaria Nacional Guatemalteca (URNG). The cases have been described in detail in the Group's previous reports.

186. On 29 December 1996, the Government of Guatemala and the URNG signed, in Guatemala City, the Agreement on a Firm and Lasting Peace, thus completing the negotiating process between the two parties. Following the signing of the Agreement, there has been a trend towards greater respect for human rights. However, the ratification by the Congress of the Republic, on 12 December 1996, of the National Reconciliation Act has been criticized by some as an amnesty for perpetrators of serious human rights violations, including disappearances.

187. At the fifty-first session, representatives of the Government of Guatemala met with the Working Group and reiterated their desire to cooperate with the Group. The Presidential Human Rights Commission (COPREDEH) reported that it continues to work intensively to ascertain the whereabouts and present circumstances of the disappeared persons. However, the length of time which has elapsed since the disappearances reportedly occurred has meant the loss of valuable evidence which could have helped to shed light on individual cases.

188. During the period under review, the Government provided information on 75 individual cases of disappearance. Fifteen of these cases were clarified this year. In 51 other cases, the Government reported that the person concerned had changed his place of residence, applied for a replacement of his identity card or had married after the date of disappearance, but it was not able to ascertain the subject's current whereabouts. In nine other cases, the reply did not constitute a clarification. The Government also replied to the Working Group's questionnaire on compensation to the victims of human rights violations (see Chap. I.F).

Observations

189. The Working Group wishes to thank the Government for its cooperation and for the information which it has provided during the period under review, which has allowed for the clarification of 17 cases this year. The Group welcomes the Agreement on a Firm and Lasting Peace, which promotes an adequate environment for the respect of human rights.

190. However, the Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct impartial and effective investigations into alleged cases of disappearance until the fate and whereabouts of the victims are established beyond a reasonable doubt, and to guarantee a prompt and effective judicial remedy to prevent disappearances, in accordance with article 9 of the Declaration.

Guinea

191. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Guinea.

192. The majority of the 28 reported cases in Guinea occurred in 1984 and 1985 in the context of a coup d'état. It may be noted that the Working Group has received no reports of disappearances occurring in Guinea after 1985.

193. During the period under review, no new information was received from the Government with respect to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Haiti

194. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Haiti.

195. The majority of the 48 reported cases of disappearance occurred in three waves during the periods 1981-1985, 1986-1990 and 1991-1993. Most of the cases which occurred during the first period concerned members or supporters of the Haitian Christian Democrat Party who were allegedly arrested by members of the armed forces or by the Tonton Macoutes. The cases that occurred during the second period concerned persons who were reportedly arrested by armed men in civilian clothes, members of the Anti-Gang and Investigation Service, and by the police. The last wave of cases took place in the aftermath of the coup d'état which ousted elected President Aristide.

196. During the period under review, no new information was received from the Government with respect to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Honduras

197. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Honduras. During the same period, the Working Group clarified one case, which reportedly occurred in 1982, when the source reported that the subject's corpse had been found and identified through forensic means.

198. The majority of the 197 cases of disappearance reported to the Working Group occurred between 1981 and 1984, a period during which members of Battalion 3-16 of the armed forces and heavily armed plain-clothes men seized people perceived as ideological enemies in their homes or on the street and took them to clandestine detention centres. The systematic practice of disappearance ended in 1984, although sporadic cases continued to occur. One such case reportedly occurred in 1995 and concerned a person who was allegedly arrested on charges of murder and who is said to have been transferred from a

public security force prison to the Central Penitentiary. However, the authorities at the penitentiary reportedly denied that the person concerned had been transferred there, and since then his whereabouts have remained unknown.

199. During the period under review, the Government informed the Working Group that it had "initiated a friendly settlement procedure at the Inter-American Commission on Human Rights, as provided for in the American Convention on Human Rights, to solve the outstanding cases of enforced disappearances and violation of fundamental human rights during the 1980s. To that end President Carlos Roberto Reina had designated an inter-agency governmental committee at the highest level, in accordance with the law, to study the cases and their possible friendly settlement through the good offices of the above-mentioned Inter-American Commission on Human Rights. The Government of Honduras thus reaffirms once again its total commitment to the protection and promotion of human rights".

200. The Government also replied to the Working Group's letter on compensation. This information is contained in chapter I.F.

Observations

201. The Working Group wishes to thank the Government for the information which it has provided during the period under review. It is encouraged by the task being performed by the National Commissioner for Human Rights and the steps taken to prosecute alleged perpetrators of gross human rights violations. The Working Group further considers that the decision of trying to use friendly settlement procedures at the Inter-American Commission on Human Rights to solve the outstanding cases of enforced disappearances during the 1980s is a positive step.

202. The Working Group wishes to remind the Government, however, of its responsibilities under article 13 of the Declaration to conduct thorough and impartial investigations into all cases of disappearance for as long as the fate of the victim remains unclarified.

India

203. During the period under review, the Working Group transmitted 28 newly reported cases of disappearance to the Government of India, seven of which reportedly occurred in 1997 and were sent under the urgent action procedure. During the same period, the Working Group clarified two cases on the basis of information previously submitted by the Government on which no observations had been received from the source. At the same time, the Group retransmitted to the Government one case, updated with new information from the source.

204. The majority of the 272 cases transmitted to the Government of India occurred between 1983 and 1995, in the context of ethnic and religious disturbances in the Punjab and Kashmir regions. The disappearances in both regions were primarily attributable to the police authorities, the army and paramilitary groups acting in conjunction with, or with the acquiescence of, the armed forces. In Kashmir, numerous persons are said to have disappeared after "shoot-outs" with security forces. The disappearances were alleged to

have been the result of a number of factors related to the wide powers granted to the security forces under emergency legislation, in particular the Terrorist and Disruptive Activities Act and the Public Security Act. In addition to allowing preventive detention, these laws reportedly allowed prolonged detention without the many other normal safeguards available under the criminal codes. The victims have included shopkeepers, a lawyer who was reportedly well known for defending Sikhs detained in Punjab, journalists, human rights activists, students and others.

205. The majority of the newly reported cases occurred in Punjab during 1996. Two of the cases occurred in the province of Assam. One case, which was widely publicized, concerned the Chairman of the Srinagar-based Institute of Kashmiri Studies who attended the forty-seventh session of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities. After returning, he was reportedly arrested by the armed forces for having denounced human rights violations committed by the Indian authorities. Five other cases allegedly occurred during the period from 1991 to 1995. Police and the armed forces have allegedly been responsible for the cases of disappearance this year. Three cases concerned members of the Jammu and Kashmir Liberation Front who were allegedly taken from the premises of the organization in Srinagar by members of the Special Task Force.

206. During the period under review, the Working Group received allegations of the non-compliance by the Government of India with provisions of the Declaration on the Protection of All Persons from Enforced Disappearance.

207. Serious concern was expressed to the Group at the number of cases of disappearance in India in which the fate of the victim remains unknown and in which the perpetrators have not been brought to justice. It is said that members of the security forces continue to act with impunity. It is further alleged that investigations into cases of disappearances are rarely carried out, and when they are, they are usually carried out by police or army officials rather than by an independent and impartial body.

208. According to information received by the Working Group, although there has recently been a decrease in incidents of police excesses in the Punjab, including disappearances, human rights workers and activists are said to continue to be subjected to threats and abuses by members of the security forces, including disappearance. It is further alleged that in violation of article 10 of the Declaration, police in all provinces have adopted the practice of not filing arrest reports or registering detentions. Since there are no records, the police are reportedly able to deny holding a detainee. It is said that in Jammu and Kashmir, for example, families can only obtain information on the whereabouts of their relatives by bribing prison guards. The Government was also called upon to pay compensation to victims of enforced disappearance or their families, in accordance with article 19.

209. During the period under review, the Government of India replied to the allegations of non-compliance with provisions of the Declaration made by non-governmental organizations. The Government denied these allegations and stated that, "Instructions have been issued by the Government to all authorities concerned that inquiries must be conducted into every allegation which is brought to their attention. Various police and armed forces

organizations also have their own statutory acts which make it mandatory for them to investigate allegations involving their personnel. Whenever a prima facie case of human rights violations is established, exemplary action under the law is taken against offenders and appropriate relief provided to the victims, including compensation. The extensive range of statutory, institutional and judicial remedies that are available domestically ensure that no one enjoys impunity and the superior courts of India, the National Human Rights Commission, the Parliament, the legislature and the press all closely monitor the Government's actions in this regard."

210. The Government considers as "completely baseless" the allegation that investigations are rarely carried out into cases of disappearances and when carried out are not conducted by independent or impartial authorities. It stated that "investigations are invariably carried out whenever allegations are raised or even grosso modo on the basis of media reports. In several instances, the investigation is not entrusted to the police and is carried out by the Central Bureau of Investigation (CBI). Wherever the nature of allegations so requires, independent judicial inquiries are ordered. The courts have also ordered in certain cases that investigations be carried out under their direct supervision". A comprehensive table indicating action taken against members of security forces for various violations of human rights was provided, as well as statistics regarding action being taken against officials of the Punjab police.

211. The Government also reported that "There are no restrictions on activities carried out by Indian non-governmental organizations and human rights activists within the framework of the law in any part of the country. They also have freedom to seek protection from the courts as well as the National or State Human Rights Commissions and to expose abuse of authority through the press and the Parliament. The Criminal Procedure Code requires the police to inform all arrested persons of the grounds of their arrest and to produce them before a Magistrate within 24 hours. All detainees have full rights under existing laws to contact their lawyers and there are no restrictions on legal aid and assistance to those who require it. Family members are also informed and, in fact, visit them regularly while in judicial custody."

212. With regard to the payment of compensation, the Government stated that "the payment of compensation to victims of alleged involuntary disappearances is foreseen and provided for by the courts".

213. The Government of India also submitted information on seven individual cases of disappearance. With regard to five cases, the Government reported that the persons concerned had been released. In one case, the Government reported that no complaint concerning the disappearance of the person had been lodged with the police. In one other case, the Government replied that the person concerned was currently available at his residence.

214. The Government also replied to the Working Group's questionnaire on the issue of compensation. This information is contained in chapter I.F of the present report.

Observations

215. The Working Group wishes to express its appreciation to the Government of India for the information which it has provided to it during the course of the year, and for its efforts to investigate cases of disappearance.

216. Nevertheless, it remains concerned that new cases of disappearance continue to be reported to it, and that very few of the cases on the Group's books have been clarified. While understanding the Government's efforts to combat violence, the Working Group wishes to stress that under article 7 of the Declaration, no circumstances whatsoever may be invoked to justify enforced disappearances. Under article 10, any person deprived of liberty shall be held in an officially recognized place of detention and be brought promptly before a judicial authority. Accurate information on the detention of such persons has to be made promptly available to their family members and legal counsel. The emergency legislation which is still in force in the States of Punjab and Jammu and Kashmir and which permits extended periods of administrative detention is not in conformity with this provision of the Declaration and, furthermore, facilitates enforced disappearances and other human rights violations.

217. The Working Group, therefore, wishes to remind the Government of India of its obligation to bring its laws into line with the relevant provisions of the Declaration and to take all measures necessary to prevent further cases of disappearance, to investigate all outstanding cases and to bring the perpetrators to justice.

Indonesia

218. During the period under review, the Working Group transmitted 57 newly reported cases of disappearance, 30 of which were said to have occurred in 1997, to the Government of Indonesia; all 57 cases were sent under the urgent action procedure. During the same period, the Working Group clarified 14 cases on the basis of information submitted by the Government, in which it was reported that five of the persons concerned were in detention, and in one other case the Government provided the subject's address. All the information was subsequently confirmed by the source. Two other cases were clarified on the basis of information submitted by the source in which it was reported that one person had been released and one was in detention.

219. The majority of the 485 cases of reported disappearance occurred in 1992 following the incident at Santa Cruz cemetery in Dili, East Timor, where, on 12 November 1991, security forces opened fire on peaceful demonstrators during a memorial service for two youths who had been killed in a clash with the police. Over 200 persons are alleged to have disappeared on or shortly after 12 November 1991.

220. All of the newly reported cases occurred in East Timor in the circumstances described below.

221. During 1997, there has been a sharp rise in the number of allegations received by the Working Group reporting that individuals in East Timor have been arrested by the Indonesia military or security forces on suspicion of

being involved in subversive activities. In most of the cases reported to the Working Group, the sources alleged that the individuals are being held incommunicado and they express a fear that the victims may be subjected to torture or extrajudicial, summary or arbitrary executions. The sources also report that attempts by family members to locate the disappeared individual by making inquiries with government officials are routinely unsuccessful.

222. During the period under review, the Government provided replies in 55 individual cases. In the majority of these cases, the Government replied that the individuals were never arrested and that they were leading their normal lives. In 12 of the cases, the Government informed the Working Group that the subjects had been arrested on charges of being involved in subversive activities. Based upon its findings that in the majority of the reported cases the individuals had never been arrested and were leading normal lives, the Government has questioned the credibility of the source. Therefore, it has suggested that the Working Group should be "more selective when considering and transmitting information emanating from such dubious sources, since such baseless and tendentious allegations will undoubtedly undermine the work of the Working Group".

Observations

223. The Working Group wishes to thank the Government of Indonesia for the information which it has provided during the period under review.

224. However, it is deeply concerned at the rise in the number of cases of disappearance reported to have occurred in 1997. The Working Group stresses that incommunicado detention facilitates enforced disappearances and is prohibited by article 10 of the Declaration. It also reminds the Government again of its obligations under the Declaration to take effective legislative, administrative, judicial or other measures to prevent, terminate and investigate all acts of enforced disappearance and to bring the perpetrators to justice.

225. With respect to the Government's suggestion that the Working Group be more selective in choosing its sources, the Group wishes to point out that in accordance with its mandate and methods of work, it functions primarily as a channel of communication. It therefore has an obligation to transmit all alleged cases of disappearance which fulfil the Working Group's criteria for admissibility to the Government concerned. It is the responsibility of the Government to investigate these allegations and repudiate them in cases in which the information is found to be inaccurate.

Iran (Islamic Republic of)

226. During the period under review, the Working Group transmitted one newly reported case to the Government of the Islamic Republic of Iran, under the urgent action procedure. During the same period, the Working Group clarified one case on the basis of information previously provided by the Government on which it was reported that the person concerned had been released and on which no observations were received from the source within a period of six months.

227. The majority of the 510 cases of reported disappearance occurred between 1981 and 1989. Some of the missing persons were reportedly arrested and imprisoned for their alleged membership in armed opposition groups. The newly reported case concerned an Iranian writer who was detained at Mehrabad Airport in Tehran as he was leaving the country to visit his family abroad. He is said to be an outspoken critic of the Government.

228. At the fifty-second session, representatives of the Government of the Islamic Republic of Iran met with the Working Group and reiterated their desire to cooperate with the Group. They explained that the similarity of names was one of the problems the Government encountered in examining the outstanding cases. In many cases, even given names and father's names were the same. The second problem was lack of enough personal information concerning the individual's identity card number, father's name or work address. Lastly, they informed the Group that the Government was encouraging families of the disappeared persons to contact directly the Iranian judiciary system or the recently created Iranian Working Group on Enforced Disappearances and provide them with factual and detailed information.

229. During the period under review, the Government provided information on 12 individual cases of disappearance. In seven cases, the Government reported that the persons concerned had been executed. The Working Group requested the Government to provide it with a copy of the relevant death certificates or judicial sentences. In two cases, the Government reported that the disappeared persons had been killed in street clashes with the police, and the Working Group asked to be informed of the date on which the incident occurred, as well as to be provided with a copy of the subjects' death certificates. In three other cases, the Government reported that one person had been found in detention, one person had been released, and that no records existed of the alleged detention of the other, third person.

230. By letter dated 19 November 1997, the Government invited the Working Group to visit the country. The Working Group has accepted the invitation and a mutually convenient date is being sought.

Observations

231. The Working Group wishes to thank the Government of the Islamic Republic of Iran for the cooperation which it extended to it during the period under review, for the invitation to visit the country, and for the information on the fate of some of the missing persons, the majority of whom had reportedly been killed or executed. In order to enable the Working Group to clarify these cases, it is, however, necessary to document this information.

232. In addition, the Working Group wishes to remind the Government of its obligation under articles 10 and 14 of the Declaration to make promptly available to families and legal counsels accurate information on all detained persons, and to bring the perpetrators of all acts of enforced disappearance to justice.

Iraq

233. During the period under review, the Working Group transmitted a total of 283 newly reported cases of disappearance to the Government of Iraq.

234. The great majority of the 16,496 cases of disappearance reported to have occurred in Iraq concern persons of the Kurdish ethnic group who allegedly disappeared in 1988, in the course of the so-called operation "Anfal", when the Iraqi Government reportedly implemented a programme of destruction of villages and towns throughout Iraqi Kurdistan. A significant number of other cases concern Shi'a Muslims who are reported to have disappeared in the late 1970s and early 1980s in the course of the expulsion of their families to the Islamic Republic of Iran on the allegation that they were of "Persian ancestry". Other cases occurred following the March 1991 uprising by Arab Shi'a Muslims in the south and by Kurds in the north. Earlier cases took place in 1983, when Iraqi forces arrested a large number of Kurds from the Barzani clan, near Arbil. Some 30 cases which reportedly occurred in 1996 concern members of the Yazidi community who were allegedly arrested during a wave of mass arrests in Mosul by members of the security forces. Victims of disappearances in Iraq include suspected political opponents, or those arrested because of a family tie to a political opponent, or those held hostage in order to force relatives sought by the authorities for their political opposition to surrender, and those arrested because of their ethnic origin.

235. Most of the cases transmitted in 1997 are said to have occurred in the early 1980s and 1990s and concerned ethnic Shi'a Muslims and Kurds in the same circumstances as described above. Some cases concerned Shi'a Muslims who were reportedly detained in Karbala in 1996 as they were going on a pilgrimage.

236. During the period under review, information concerning developments in Iraq having an influence on the phenomenon of disappearances and the implementation of the Declaration were received from non-governmental organizations. It is said that disappearances continue to occur in Iraq, especially against members of minority groups. The Government is said to have failed to address conditions which still allow such disappearances to take place. Detainees reportedly have no access to their families or lawyers; trials, when there is one, are reportedly conducted in secret. Particular concern was expressed to the Working Group at the vast number of disappearances which remain unresolved, and the total impunity with which the perpetrators continue to act, in violation of articles 3 and 14 of the Declaration. No redress is reportedly available to the victims or their families from the Government, in violation of article 19 of the Declaration.

237. During the period under review, the Government of Iraq requested that the Working Group provide it with the subjects' new address, mother's names, and numbers and dates of their identity cards. With respect to four cases sent under the urgent action procedure last year, the Government stated that the allegations of their disappearance were "baseless", that they were not

detained and that the Working Group could contact them directly. The Government also provided information on 15 individual cases in which it reported the addresses of the persons concerned, and in some cases the telephone numbers. However, attempts by the Working Group to contact the individuals were fruitless.

Observations

238. Iraq remains the country with the highest number of disappearances reported to the Working Group. The efforts of the Government of Iraq to investigate the over 16,000 outstanding cases of disappearance and to cooperate with the Working Group are totally inadequate. Under the Declaration, the Government is under an obligation to take effective legislative, administrative, judicial or other measures to prevent, terminate and investigate all acts of enforced disappearance.

239. In order to prevent further cases of disappearance, the Government should, in particular, cease its practice of arbitrary detentions and provide all detainees with at least the minimum right of prompt access to their families, legal counsel and independent judicial authorities. The total impunity with which the perpetrators continue to act clearly violates the obligation of the Government to make all acts of enforced disappearance an offence under criminal law, to investigate all such cases and to bring the perpetrators to justice.

Israel

240. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Israel.

241. Of the two cases which remain pending, one reportedly occurred in 1992 in Jerusalem, and concerns a man who allegedly did not return home from work. He is believed to be detained in a prison in Tel Aviv. The other case concerns a Palestinian who was reportedly arrested in 1971 on the day a bomb had exploded in Gaza. Although he was allegedly seen in detention, his whereabouts remain unknown.

242. During the period under review, no new information was received from the Government of Israel with respect to either of these cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Kuwait

243. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Kuwait. The one outstanding case, which was submitted in 1993 by a relative of the victim, concerns a so-called "bedouin" of Palestinian origin with a Jordanian passport. After the retreat of the Iraqi forces from Kuwait in 1991, the subject was allegedly arrested and is believed to be detained by the Kuwaiti Secret Police.

244. During the period under review, the Government stated that it is still investigating the case and is in touch with the subject's family. The family reiterated to the Working Group its belief that their relative might still be alive because he had allegedly been seen in various prisons in Kuwait.

Lao People's Democratic Republic

245. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Lao People's Democratic Republic.

246. The one outstanding case, which reportedly occurred in 1993, concerns the leader of the repatriation groups returning to the Lao People's Democratic Republic who reportedly left his residence with an official from the Department of the Interior to go to the Department of the Interior to discuss the future home for the returning repatriation groups. Since then his whereabouts have remained unknown.

247. During the same period, the Government again replied to the Working Group concerning the one outstanding case of disappearance, in which it advanced several possible explanations for the subject's disappearance. In the past, the Government reported that a thorough investigation into the circumstances of the disappearance of the person concerned had been undertaken. However, his whereabouts remain unknown.

Lebanon

248. During the period under review, the Working Group transmitted one newly reported case of disappearance to the Government of Lebanon, which reportedly occurred in June 1997, and was sent under the urgent action procedure. During the same period, the Working Group clarified one case in which the Government of Lebanon reported that the person concerned had been arrested and was in detention. In accordance with its methods of work, the Group retransmitted one case, updated with new information from the source.

249. The majority of the 287 cases of disappearance reported to the Working Group in the past occurred in 1982 and 1983 in the context of the Lebanese civil war. Those responsible for the disappearances are said to have belonged to the Phalangist Militia, the Lebanese Army or its security forces; in some cases, the Israeli Army was also reportedly involved in the arrest, together with one of the other forces mentioned. Most of the detentions occurred in Beirut and its suburbs. Certain reports indicated that the arrests were made by armed men in civilian clothes operating from vehicles. In a number of cases, the missing person was reportedly arrested and taken away from the Sabra and Chatila camps in September 1982. In some cases which reportedly occurred in 1984, 1985 and 1987, the arrested persons were foreign nationals who were abducted in Beirut. In some of these cases, religious groups such as the "Islamic Holy War" later claimed responsibility for the abductions. In a few cases, including two cases which occurred in 1990, the missing persons were reportedly arrested by members of the Syrian army or security services at checkpoints, before being transferred to and detained in the Syrian Arab Republic.

250. The one newly reported case allegedly occurred in Akkar, north Lebanon, in June 1997 and concerns a medical doctor who was reportedly abducted by members of the Syrian military intelligence. His arrest is thought to relate to his alleged membership in an illegal political party. In accordance with its methods of work, a copy of this case was also sent to the Government of the Syrian Arab Republic.

251. During the period under review, concern was expressed to the Working Group that the fate of those who have disappeared in Lebanon has still not been determined nor the perpetrators brought to justice. It was further alleged that both Lebanese citizens and stateless Palestinians continue to disappear in Lebanon, taken into custody there by Syrian security forces and then transferred to and detained in the Syrian Arab Republic. Allegedly, the Government of Lebanon not only acquiesces to such activities by the Government of Syria, but sometimes also collaborates with Syrian forces in carrying out disappearances, in violation of article 2 (1) of the Declaration.

252. There are said to be no effective official government mechanisms in Lebanon or Syria for families to learn of the whereabouts of their relatives and to seek legal remedy. Reportedly, family members and lawyers are unable to obtain any form of official acknowledgment from either the Lebanese or Syrian authorities of the arrest, detention or abduction or the whereabouts of the individuals who were reportedly disappeared, thus placing these persons outside the protection of the law, in violation of article 10 of the Declaration. Families of the disappeared are said to be afraid to report the disappearance, for fear of worsening the situation of their loved ones or putting themselves at risk of harassment or reprisal.

253. During the period under review, the Government of Lebanon provided information on three cases of disappearance; in two cases it reported that the persons concerned had been arrested and were being held in detention; these cases were subsequently clarified by the Group when no objections were received from the source. In one other case, the Government reported that it had no information on the missing person. During the same period, the Government of the Syrian Arab Republic replied to one case of disappearance which reportedly occurred in Lebanon, but in which Syrian forces were implicated. The Government stated that it had no information on the person concerned and "failed to see how Syria could be concerned in this matter ... The functions and tasks of the Syrian forces in Lebanon totally exclude any engagement in police work or arrests of citizens".

Observations

254. The Working Group wishes to thank the Government for the information which it provided during the course of the year on individual cases. While understanding the difficult situation in Lebanon, the Working Group remains, however, concerned at the fact that only 2 out of 287 cases have been clarified by the Government. It wishes to remind the Government of its obligation under article 2 of the Declaration that no State shall practise, permit or tolerate enforced disappearances even if such acts are allegedly carried out by the authorities of another State. It is the obligation of the Government of Lebanon to take all effective legislative, administrative,

judicial or other measures to prevent, terminate and investigate all acts of enforced disappearance in any territory under its jurisdiction, and to bring the perpetrators to justice.

Libyan Arab Jamahiriya

255. During the period under review, two new cases of disappearance were transmitted by the Working Group to the Government of the Libyan Arab Jamahiriya, both of which were sent under the urgent action procedure. During the same period, the Working Group clarified one of those cases when the source reported that the person concerned had been released. The two newly reported cases allegedly occurred in September 1996; one case concerned a Palestinian who was arrested at the Palestinian camp near Salloum in north-east Libya and subsequently released. This case was clarified by the Working Group. The other case concerned a Palestinian who was reportedly arrested in Tubruk on suspicion of having connections with a religious opposition movement. The one other outstanding case, transmitted in 1994, concerns a Sudanese translator at the International Centre of Research of the Green Book in Tripoli, who reportedly disappeared in 1993.

256. During the period under review, the Government of the Libyan Arab Jamahiriya replied to the two urgent action cases: in one case it reported that the person concerned had been arrested for "smuggling, swindling and cheating; he was then released and is currently free". In the other case, the Government reported that the subject "was arrested for smuggling drugs and for his involvement in selling foreign currency. His case is pending before the court, awaiting a judgement".

Mauritania

257. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Mauritania.

258. The one outstanding case reportedly occurred in 1990 and concerned a 21-year-old man who is said to have been taken by members of the National Guard in a village in southern Mauritania during a nightly curfew. Reportedly, at that time, many people belonging to the Hal-Pulaar ethnic group in the south of the country were subjected to human rights violations, allegedly carried out by government forces and the Haratine militia.

259. During the period under review, no new information was received from the Government with regard to the outstanding case. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Mexico

260. During the period under review, the Working Group transmitted 24 newly reported cases of disappearance to the Government of Mexico, all of which occurred in 1997; 23 cases were sent under the urgent action procedure. During the same period, the Working Group clarified 12 cases on the basis of information previously provided by the Government on which the source had not made observations within the six-month period, and 7 cases on the basis of the

information provided by the source in which it was reported that in 6 cases the persons concerned had been released and one was found in detention. The Working Group also decided to discontinue its consideration of 11 old cases since the relatives of the missing persons reiterated their desire not to pursue the issue any further. The Working Group further retransmitted to the Government two cases, which had been updated with new information provided by the source.

261. The majority of the 343 reported cases of disappearance in Mexico occurred between 1974 and 1981. Ninety-eight of these cases took place in the context of the rural guerrilla warfare which was waged in the mountains and villages of the State of Guerrero during the 1970s and the beginning of the 1980s. Twenty-one other cases occurred in 1995, mostly in the States of Chiapas and Veracruz; the majority of these persons were members of several Indian, peasant and political organizations. Four other cases occurred in 1996 in the State of Guerrero and one in Sinaloa, and concerned two teachers, two peasants and a businessman.

262. Fifteen of the newly reported cases of disappearance occurred in the State of Guerrero; four in the Federal District; four in the State of Chiapas, and one in the State of Morelos. The victims were seven peasants, three teachers, six members of ethnic peasant and human rights organizations, a soldier and seven persons connected to the legal opposition party, Party of the Democratic Revolution (Partido de la Revolución Democrática, PDR). The army was mentioned as responsible in nine cases, the Judicial Police of the State of Guerrero in six cases; the Judicial Police of the Federal District in five cases; the Judicial Police of the State of Morelos in one case, and members of the paramilitary group "Guardias Blancas" and agents in civilian clothes in three cases. Seven of these cases were clarified when the sources reported that six of the persons had been released and one found in detention.

263. In the testimonies of those persons who had been released, it was recounted how they had been questioned continuously by their captors in attempts to link them with the activities of the Ejército Popular Revolucionario. Three of them stated that they had been subjected to torture. The Working Group decided, consequently, to transmit these cases to the Special Rapporteur on torture.

264. During the period under review, concern was expressed to the Working Group that there had been an increase in the number of cases of "short-term" disappearances. Many of these cases were said to be linked to military and police counter-insurgency operations, especially in Chiapas and Guerrero. It was alleged that detainees were held in unacknowledged detention, and when inquiries were made by relatives and members of non-governmental organizations to the military and police authorities, knowledge of the person was said to be denied in violation of article 10 of the Declaration. Some of those disappeared persons who were subsequently released have reportedly claimed that while in incommunicado detention they were subjected to ill-treatment and torture. Others were reportedly warned not to tell anyone what had happened. It was also said that the growing participation of the armed forces in security matters had a negative impact on the human rights situation, in particular forced disappearances. It was further alleged that the failure to prosecute those responsible for disappearances and the total impunity with

which the perpetrators were able to act had created a situation of lawlessness where enforced disappearances can occur, in violation of article 14 of the Declaration. It was further reported that with regard to articles 3 and 4 (1) of the Declaration, no law exists in the national legislation which expressly prohibits the act of enforced disappearance.

265. During its fifty-second session, the Working Group met with representatives of the Mexican National Commission for Human Rights, who gave an account of the activities of its Special Programme on Alleged Disappearances and provided extensive information on individual cases. It was reported to the Group that the Commission had submitted to the federal legislature a series of projects for setting up, adding to and reforming various legal instruments that would make it possible to strengthen the Mexican judicial system with the aim of preventing, sanctioning and eradicating any act that runs counter to the observance of the guarantees aimed at protecting the life, physical integrity and dignity of the citizens. A draft bill had been submitted to amend the Federal Criminal Code by making forced or involuntary disappearances imprescriptible in order to punish any authority or public servant who engages in forced disappearance.

266. During the period under review, the Government provided information on 54 cases of disappearance; in 8 cases, it reported that the persons concerned were found alive and living at liberty; in 2 cases, the persons concerned were found in detention; in 30 cases the investigations were continuing. With respect to 14 cases, investigators had experienced problems with a group of armed inhabitants in the municipality of Ocosingo, Chiapas, who had threatened them and forced them to leave the region, thus making it very difficult to continue the investigations in situ.

Observations

267. The Working Group expresses its appreciation to the Government of Mexico for the cooperation which it received during the period under review and for the positive results achieved by the investigations carried out by the National Commission of Human Rights, which have helped to clarify 12 cases.

268. However, in view of the fact that new cases continue to be reported, it is necessary to stress the urgency of taking, in accordance with article 3 of the Declaration, effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance.

269. The Working Group also wishes to stress the need for more effective measures to clarify the so-called "old cases" which occurred in the 1970s, and reminds the Government of Mexico of its continuous responsibility to conduct thorough and impartial investigations into cases of disappearances for as long as the fate of the victim remains unclarified, in accordance with article 13 of the Declaration.

Morocco

270. During the period under review, the Working Group transmitted one newly reported case to the Government of Morocco, which allegedly occurred in 1997 and was sent under the urgent action procedure. During the same period, the

Working Group clarified 25 cases; 24 on the basis of information previously provided by the Government on which no objections were received by the source, and one on the basis of information received from the source in which it was reported that the person had been released. In accordance with its methods of work, the Group retransmitted to the Government six cases, updated with new information from the source.

271. The majority of the 233 cases of disappearance transmitted to the Government were reported to have occurred between 1972 and 1980. Most of them concerned persons of Saharan origin who were reported to have disappeared in territories under the control of the Moroccan forces, because they or their relatives were known or suspected supporters of the Polisario Front. Students and better educated Saharans were reported to have been particularly targeted. In some instances, disappearances allegedly followed the mass arrest of persons after demonstrations or before visits of prominent persons or officials from other countries.

272. Disappeared persons were reported to have been confined in secret detention centres, such as Laayoûne, Qal'at M'gouna, Agdz and Tazmamart. Cells in some police stations or military barracks, and secret villas in the Rabat suburbs, were also allegedly used to hide the disappeared. Despite the release in 1991 of a large group of disappeared prisoners, several hundred other Western Saharans are said to remain unaccounted for, and their families are reportedly still pursuing their inquiries with the Moroccan authorities and detention centres.

273. The newly reported case concerns a 37-year-old man who was allegedly detained by the police in May 1997 in El Aioun.

274. Concern has been expressed to the Working Group that despite the release in 1991 from secret detention centres of more than 300 missing persons, the perpetrators have not been brought to justice nor the victims compensated, in accordance with articles 14 and 19 of the Declaration. It is further alleged that since their release, some of these persons have been subjected to intimidation and restrictions placed on the right to freedom of expression, association and movement. Some have reportedly been rearrested and others are said to have been placed under house arrest. Concern was also expressed that in some cases of disappearance in which evidence exists that the person concerned had died, the remains have still not been recovered and returned to the victim's family nor a death certificate issued to the family.

275. During the period under review, the Government submitted comments on allegations by non-governmental organizations contained in the Working Group's last report (E/CN.4/1997/34). It refuted the alleged disappearance of hundreds of persons as "unsupported by any proof". With reference to allegations concerning restrictions on the freedom of expression and association, the Government stated that they were similarly "unfounded as demonstrated by the press conferences held by former 'disappeared persons', and by the numerous communiqués they have published individually or collectively in the newspapers". The Government of Morocco said that it will "spare no effort to clarify outstanding cases". It also provided the Working Group with information on the constitutional and other legal provisions concerning the prevention and punishment of enforced disappearances.

276. During an exchange of views with the Working Group at its fifty-third session, representatives of the Government of Morocco reiterated that they were fully committed to clarifying all the cases of disappearance. They provided information to the Group on three individual cases: in two cases the persons concerned had died of natural causes in 1976 and the Government provided copies of the death certificates; in the third case, the Government reported that the subject had been arrested in 1976 on charges of attempts against State security and released in 1978, and subsequently died in 1982 in a traffic accident. The Government also provided a death certificate and, for all cases, other substantiating evidence. The Government again noted the constraints they faced in trying to trace the disappeared persons because the transcription of names did not always provide the complete data on the family background of the missing person.

277. The Government also replied to the Working Group's questionnaire on compensation. This information is reflected in chapter I.F of the present report.

Observations

278. The Working Group wishes to thank the Government for the cooperation it extended during the period under review, and for the information provided. Nevertheless, it wishes to remind the Government that acts constituting enforced disappearance by virtue of article 17 of the Declaration shall be considered a continuing offence as long as the perpetrators continue to conceal the fate and the whereabouts of disappeared persons. The Government, therefore, shall take all measures to bring the perpetrators to justice, irrespective of the fact that the disappearance occurred 20 years ago. The Group would also like to remind the Government of its responsibility under article 10 of the Declaration to provide the victims of acts of enforced disappearance and their family redress and adequate compensation, including the means for as complete a rehabilitation as possible.

Mozambique

279. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Mozambique.

280. The two previously reported cases both occurred in 1974; one concerned a doctor, who was said to have been arrested in 1974 in a hotel in Blantyre, Malawi, and to have been taken first to Mozambique and then to the southern part of the United Republic of Tanzania. It was believed that he was then transferred to Niassa province, Mozambique. The other case concerns a doctor who is said to have been arrested at his home in Matola and imprisoned at the headquarters of Frelimo troops in Boane, and later in Maputo. His family have been unable to determine his whereabouts.

281. Although a number of reminders have been sent, no information has ever been received from the Government of Mozambique with regard to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Nepal

282. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Nepal.

283. Four of the five outstanding cases of disappearance reported to the Working Group occurred in 1985 and concern four men who reportedly disappeared from police custody in 1985. In late 1984, a series of nationwide political protests started in Nepal. In June 1985, following bomb explosions in Kathmandu and other cities, numerous persons were reportedly arrested and some of them were allegedly held in incommunicado detention for several months. The one other case of reported disappearance pending with the Working Group is said to have occurred in 1993 and concerns a student who allegedly disappeared in Kathmandu.

284. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared person.

Nicaragua

285. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Nicaragua.

286. Of the 234 cases reported to the Working Group, 131 have been clarified. Most of these cases occurred between 1979 and 1983, in the context of the internal armed conflict which took place during the decade of the 1980s. Many of the reports of these disappearances pointed to the involvement of members of the army, the former Sandinistas, the former General Directorate for the Security of the State and the Frontier Guard. Two cases, however, reportedly occurred in 1994: one concerned a farmer who was allegedly detained by a group composed of members of the army and the police, and the other concerned a person allegedly accused of being a member of the Recontras armed group.

287. During the period under review, no information was received by the Working Group from the Government concerning the outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the persons concerned.

Observations

288. The Working Group regrets the repeated lack of communication from the Government of Nicaragua regarding the outstanding cases. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct thorough and impartial investigations for as long as the fate of the victim of enforced disappearance remains unclarified.

Pakistan*

289. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Pakistan.

290. The majority of the 60 cases of disappearance transmitted to the Government in the past concerned members or sympathizers of the political party Mohajir Qaomi Movement (MQM), who were allegedly arrested in Karachi by the police or security forces during 1995. Most of the other reported cases allegedly occurred in 1986 and between 1989 and 1991, and concerned persons of Afghan nationality with refugee status in Pakistan, most of whom were said to have been affiliated with the "Harakate Inghilabe Islami" party of Afghanistan. The abductions reportedly took place in Peshawar, North-West Frontier Province, by persons belonging to a rival party, the "Hezb-e-Islami Afghanistan", which was alleged to be acting with the acquiescence of the Pakistani authorities. Four other cases reportedly occurred in 1996 and concerned members of the same family who were reportedly abducted from their home in Islamabad by agents of the military intelligence.

291. During the period under review, no new information was received by the Working Group from the Government with regard to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Observations

292. The Working Group regrets that no new information was received this year from the Government of Pakistan with regard to the outstanding cases. The Group would like to remind the Government that under article 13 of the Declaration, it has a responsibility to carry out prompt, thorough and impartial investigations into any case of alleged disappearance for as long as the fate of the victim remains unclarified.

Paraguay

293. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Paraguay.

294. Of the 23 cases transmitted by the Working Group to the Government, 20 have been clarified. All of these cases occurred between 1975 and 1977 under the military Government. It should be noted that the Group has received no reports of disappearances occurring in Paraguay since 1977. Several of the disappeared persons were members of the Communist Party, including one who was Secretary-General of the party. Although disappearances took place in the capital, Asuncion, the majority of the cases affected the rural population and were carried out in the districts of San José, Santa Helena, Piribebuy, Santa Elena and Santa Rosa.

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* Mr. Hilaly did not participate in the decisions relating to this subsection of the report.

295. During the period under review, no new information was received from the Government of Paraguay with regard to these cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Peru*

296. During the period under review, the Working Group transmitted three newly reported cases of disappearance to the Government of Peru, one of which reportedly occurred in 1997. During the same period, the Working Group clarified three cases on the basis of information previously provided by the Government on which no observations had been received from the source within a period of six months; it also clarified two other cases on the basis of information provided by the source reporting that the persons concerned were no longer disappeared. In accordance with its methods of work, the Group retransmitted to the Government two cases, updated with new information from the source.

297. The vast majority of the 3,004 cases of reported disappearances in Peru occurred between 1983 and 1992 in the context of the Government's fight against terrorist organizations, especially Sendero Luminoso (Shining Path). In late 1982, the armed forces and police undertook a counter-insurgency campaign and the armed forces were granted a great deal of latitude in fighting Sendero Luminoso and in restoring public order. While the majority of reported disappearances took place in areas of the country which had been under a state of emergency and were under military control, in particular in the regions of Ayacucho, Huancavelica, San Martín and Apurimac, disappearances also took place in other parts of Peru. Detentions were reportedly frequently carried out openly by uniformed members of the armed forces, sometimes together with the Civil Defence Groups. Some 20 other cases reportedly occurred in 1993 in the Department of Ucayali and concerned largely the disappearance of peasants.

298. Out of concern for the situation of disappearances in Peru, two members of the Working Group, at the invitation of the Government, visited Peru from 17 to 22 June 1985 and again from 3 to 10 October 1986, on the Group's behalf. Their reports are contained in documents E/CN.4/1986/18/Add.1 and E/CN.4/1987/15/Add.1.

299. Of the newly reported cases, only one is said to have occurred in 1997. Reportedly, the subject disappeared in Huanuco following his abduction from his home by members of the military. The other two cases reportedly occurred in 1996, in the Departments of Ucayali and San Martin.

300. During the course of the year, concern continued to be expressed to the Working Group that the adoption in 1995 of the amnesty law, which granted a general amnesty to all those members of the security forces and civilians

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* Mr. Diego Garcia-Sayán did not participate in the decisions relating to this subsection of the report.

who were the subject of a complaint, investigation, indictment, trial or conviction, or who were serving prison sentences for human rights violations committed between May 1980 and 15 June 1995, has resulted in total impunity for the perpetrators of disappearance and other human rights violations.

301. It was further alleged that while the number of cases of reported disappearance in Peru has decreased considerably since 1993, such cases do continue to be reported, although in reduced numbers. Serious concern was expressed to the Working Group at the vast number of cases which remain unclarified. It is said that the Government is unable to carry out investigations into disappearances in a prompt and thorough manner.

302. It was further reported that in violation of article 19 of the Declaration, adequate compensation has not been granted to the victims of acts of enforced disappearance and their families.

303. During the period under review, the Government of Peru provided the Working Group with replies on 47 individual cases; in three cases it reported that the persons concerned had been released, and in one case that the subject had died. In the other 43 cases, the Working Group decided that the replies were insufficient to constitute a clarification.

304. The Government of Peru also replied to the allegations contained in the Working Group's report of 1997 (E/CN.4/1997/34). It sent a voluminous report prepared by the Permanent Secretariat of the Peruvian National Human Rights Commission of the Ministry of the Interior containing detailed graphs and statistics. In connection with the Working Group's concerns on the general amnesty granted under the 1995 amnesty law, the Government stated that the Peruvian Congress had passed the law in the general interest of the State. The Government affirmed that the amnesty was not a declaration of innocence, but rather had a political function to ensure internal social stability, and that administrative penalties against those convicted remained intact.

305. The Government of Peru denied the allegations regarding the ineffectiveness of the National Registry of Detainees in preventing disappearances. The Government quoted the National Registry's 1996 report which records the impact of the project on the protection of human rights, and provided statistics that link the decreased number of complaints lodged with the Special Prosecutors Defence and the Human Rights Office to the work of the National Registry. The Government further stated that the implementation of the Registry throughout the country, together with a reduction in the number of armed confrontations, has been a decisive element in the reduction of the number of cases of disappearance.

Observations

306. The Working Group wishes to thank the Government for the information which it has provided during the period under review. The Group reiterates its opinion, however, that the amnesty law of 28 June 1995, which resulted in the closing of all investigations into outstanding cases of disappearance, violates articles 17 and 18 of the Declaration. It creates an atmosphere of impunity which could be conducive to further acts of disappearance and other similar human rights violations.

307. It wishes to remind the Government of its commitment under article 13 of the Declaration to carry out a thorough and impartial investigation for as long as the fate and whereabouts of the victims remain unclarified. The Working Group further expresses its concern that no efforts have been made to compensate the families of the victims of enforced disappearance, in accordance with article 19 of the Declaration.

Philippines

308. During the period under review, the Working Group transmitted four newly reported cases of disappearance to the Government of the Philippines, all of which reportedly occurred in 1997 and were sent under the urgent action procedure. Two cases were sent jointly with the Special Rapporteur on the independence of judges and lawyers.

309. The majority of the 500 reported cases of disappearance occurred in the late 1970s and early 1980s, virtually throughout the country, and took place within the context of the Government's anti-insurgency campaign.

310. During the period 1975 to 1980, the persons who disappeared were reportedly farmers, students, social workers, members of Church groups, lawyers, journalists and economists, among others. The arrests were carried out by armed men belonging to an identified military organization or to a police unit such as the Philippine Constabulary, the Central Intelligence Unit, the military police, and other organizations. In the following years, the reported cases of disappearance concerned young men living in rural and urban areas, described as members of legally constituted student, labour, religious, political or human rights organizations, which the military authorities have claimed are a front for the outlawed Communist Party of the Philippines (CPP) and its armed wing, the New People's Army (NPA). Among the groups most commonly targeted were said to be KADENA (Youth for Democracy and Nationalism) and the National Federation of Sugar Workers. One case, which reportedly occurred in 1995, concerned a health worker who disappeared in Mindanao; another case, which is said to have taken place in 1996, concerned a farmer who was allegedly arrested while travelling in an area where the Philippine Army is said to have been conducting military operations against suspected NPA rebels.

311. Despite the peace talks initiated by the Government with several opposition movements, disappearances have continued in the 1990s, mainly in the context of action by the security forces against the NPA, the Moro National Liberation Front, the Mindanao Islamic Liberation Front, the Citizen Armed Forces Geographical Units and the Civilian Volunteer Organizations.

312. Out of concern for the situation of disappearances in the Philippines, and at the invitation of the Government, two members of the Working Group visited the country from 27 August to 7 September 1990. A full report on their visit is contained in document E/CN.4/1991/20/Add.1.

313. The four newly reported cases concern a lawyer and his driver who are alleged to have been abducted by members of the security forces in Manila.

The other two cases concern a peasant who is said to have disappeared in San Roane, and a community organizer who was allegedly abducted by members of the armed forces in Zambales province.

314. Concern continued to be expressed to the Working Group over the lack of progress in determining the fate of those who have disappeared in the Philippines and in bringing the perpetrators to justice. It is said that the majority of cases remain unsolved and the families of the victims have not received redress. While the number of disappearances has reportedly declined since 1972, disappearances continue to be carried out. Concern was expressed to the Group at the Government's failure to deal with the issue of impunity or to address the conditions which continue to allow disappearances to continue to take place today.

315. During the period under review, the Government of the Philippines provided information on three outstanding cases. On two cases it reported that "the search carried out to date had failed to produce positive results. However, the initial investigation did not support the allegation of the involvement of the Philippine army in the disappearances". In the third case, it reported that the person concerned had voluntarily surrendered to the Government under its amnesty programme and was being held in protective custody.

316. The Government also submitted comments from the Philippines Commission on Human Rights on the human rights concerns of local non-governmental organizations regarding disappearances in the Philippines, as reflected in the Working Group's last report. The Government stated, inter alia, that reported cases of missing persons were being investigated by the authorities, but that their efforts were sometimes hampered by the absence of reliable sources and witnesses. Many witnesses were afraid to testify, and as a result the Government had upgraded the witness protection programme.

317. The Government further reported that it had created the Task Force on Disappearances, which was working on cases of disappearance at the regional level, and had established a Memorandum of Agreement with Families of Victims of Involuntary Disappearances (FIND) to extend financial assistance to victims. The Government also stated that it was taking a "preventive approach" to disappearances which can occur in countries "beset by social unrest and insurgency movements", by introducing economic measures to improve the living conditions of the marginalized sectors of society and by extending its amnesty programme.

318. The Government stated that it would "review all outstanding cases of alleged disappearances ... submitted by the Working Group, with the objective of determining the course of action to be recommended, including, inter alia, ... possible financial compensation to the families of the victims. The review would focus on the issue of impunity and examine the conditions under which the disappearances took place". The Government also noted that continuing reforms are being undertaken in the Philippine military and police, and said that a number of measures were pending before Congress aimed at incorporating the provisions of the Declaration into domestic law.

319. In reply to the Working Group's questions on the issue of compensation, the Government submitted a copy of Republic Act No. 7309, creating a Board of Claims for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes. This information is contained in chapter I.F on compensation.

320. At its fifty-third session, the Working Group met with representatives of the Government of the Philippines and engaged in an exchange of views with regard to the cases which remain pending. The Government stressed the importance it attached to trying to clear up the outstanding cases and explained the difficulties it often encountered in this regard. It noted, in particular, the problems of a lack of witnesses and lack of more detailed information. The Government also informed the Working Group of its policies with regard to the payment of compensation and noted that, so far, 282 individuals had received payment. It stressed the importance the Government of the Philippines accorded to human rights education and said that the provisions of human rights law had been incorporated into all military training.

Observations

321. The Working Group would like to express its appreciation to the Government for the cooperation which it has extended during the period under review, and for the information which it has provided. In particular, the Working Group would like to thank the Government for the efforts which it has taken to clarify the outstanding cases, compensate the victims and their families, and establish the Task Force on Disappearances.

322. While the Working Group understands the difficulties which the Government faces in combating violence, it nevertheless wishes to remind the Government that no circumstances whatsoever, including internal political instability, may be invoked to justify enforced disappearances, as stipulated in article 7 of the Declaration. It also wishes to remind the Government of its responsibilities under articles 13 and 14 of the Declaration to investigate promptly, thoroughly and impartially all alleged cases of enforced disappearance for as long as the fate of the victim remains unclarified and to bring the perpetrators to justice.

Russian Federation

323. During the period under review, the Working Group transmitted 33 newly reported cases of disappearance to the Government of the Russian Federation.

324. Of the 160 cases transmitted in the past, two allegedly occurred in 1996 and concerned ethnic Chechens who are said to have been arrested by OMON, the Special Forces of the Russian Interior Ministry, during an early morning raid on the settlement of Dolinskoye, some 20 km west of Grozny, in August 1996. One hundred and fifty other cases concerned persons of ethnic Ingush origin who reportedly disappeared in 1992 during the fighting between the ethnic Ossetians and the Ingush. Eight other cases concerned persons who reportedly disappeared in 1994 in the Ingush Republic. The Northern Ossetian forces are said to have acted with the acquiescence of the OMON.

325. All of the newly reported cases occurred in Chechnya, the majority in late 1994 and early 1995. The Russian military forces were allegedly responsible.

326. During the period under review, the Government of the Russian Federation informed the Working Group, with regard to the cases transmitted last year, that an investigation was being carried out by the General Procurator's office of the Ministry of Internal Affairs and the Federal Security Service. The Working Group would be kept informed of the results of the investigation.

327. With regard to the cases reported to have occurred in Chechnya, the Government informed the Group that investigations were being carried out throughout the Northern Caucasus region by officials of the Russian Federation Ministry of the Interior in the Chechen Republic, in order to determine the whereabouts of the persons reported as missing. It stated that there was no record of the missing persons in the data banks of the Central Information Centre or the Central Department for the Execution of Punishment of the Russian Federation Ministry of the Interior. The Government suggested that representatives of the Chechen Republic Ministry of the Interior meet the persons who reported the disappearance in order to obtain information which would help it to determine the fate of the disappeared person.

Observations

328. The Working Group wishes to thank the Government for the information which it has provided during the period under review. Nevertheless, it remains deeply concerned that not one of the 193 cases reported to it has been clarified. In this connection, it would like to remind the Government that all persons deprived of liberty shall be held in an officially recognized place of detention and have prompt access to family members, legal counsel and judicial authorities, in accordance with articles 9 and 10 of the Declaration. In addition, the Government has an obligation under articles 13 and 14 to promptly, thoroughly and impartially investigate alleged cases of enforced disappearance and bring the perpetrators to justice.

Rwanda

329. During the period under review, the Working Group retransmitted one case of disappearance to the Government of Rwanda, updated with new information from the source.

330. The human rights field officers deployed by the High Commissioner for Human Rights in support of the Special Rapporteur on the situation of human rights in Rwanda have been instructed to receive pertinent information about disappearances and to channel such reports to the Working Group.

331. During the period under review, the Human Rights Field Operation in Rwanda (HRFOR) informed the Group that it had received relatively few reports of cases of alleged enforced or involuntary disappearances between January and October 1997, particularly compared with the scale of other human rights violations. The majority of such cases brought to the attention of HRFOR concerned the alleged disappearance of recent returnees, in particular members of the former Rwandese Armed Forces who had gone back to Rwanda from the

Democratic Republic of the Congo and the United Republic of Tanzania. In the majority of cases, it had not been possible to determine the identities of the perpetrators of those disappearances. HRFOR reported that it was often difficult, if not impossible, to characterize such cases of "missing" persons as enforced or involuntary disappearances. For example, in certain cases, it had been difficult to determine whether the "missing" person had disappeared or whether the person had been arrested. Within the penitentiary system, no official procedure had been established to inform families of the arrest and subsequent location of a family member.

332. HRFOR has also documented cases whereby persons reported "missing" had in fact fled their region of origin or habitual residence for fear of their personal safety or for fear of being arrested, including for alleged accusations of genocide or collaboration with armed groups. These persons might be elsewhere within the country or might even have left the country without notifying their families. In some cases, government officials had stated that certain persons believed to have disappeared had voluntarily left their homes to become part of an armed group.

333. HRFOR further reported that the classification of a given case as a "disappearance" had been further complicated by the lack of operational morgues in Rwanda, and the resulting practice of quickly burying the dead. In some cases, unidentified bodies were found and buried by local authorities on the day of their discovery. Although in these cases the authorities reportedly questioned neighbours as to the identities of the deceased, they did not widely circulate descriptions of them. Furthermore, photographs were not taken before burial, thereby preventing family members from identifying the deceased at a later date. The majority of cases of alleged disappearance reported to HRFOR in 1997 had occurred in the prefectures of Kigali Ville and Kigali Rural.

334. The majority of the 11 outstanding cases of disappearance reported to the Working Group occurred in 1990 and 1991 in the north of the country, in the context of the ethnic conflict between Tutsis and Hutus. Three other cases took place in 1993 in northern Rwanda and concerned students from the Seventh Day Adventist University in Mudende who were suspected of supporting the Rwandese Popular Front. Three other cases of disappearance allegedly occurred in 1996. One concerned the mayor of Nyabikenke, who is reportedly of Hutu origin and who is said to have been detained by members of the armed forces. Another case concerned a journalist who was allegedly arrested by the military police on the grounds that he was an accomplice to genocide, and was later released. The third case concerned a mechanic from Kigali who was reportedly arrested by soldiers of the Rwandese Patriotic Army on the grounds that his father and brothers had committed crimes during the genocide of 1994.

335. To date, no response has ever been received from the Government with regard to the outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Seychelles

336. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Seychelles.

337. The three reported cases of disappearance allegedly occurred on the main island of Mahé in the years 1977 and 1984. All three persons are said to have been abducted shortly after they left their homes by persons believed to belong to the security forces. At least two of the persons were reportedly known opponents of the Government.

338. During the same period, no new information was received from the Government with regard to these cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the missing persons.

South Africa

339. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of South Africa. During the same period, the Government informed the Working Group that in one case of disappearance, the person concerned was the subject of a hearing of the Amnesty Committee of the Truth and Reconciliation Commission in September 1997. Four former members of the South African Police Service were applying for amnesty regarding his death. The Working Group has requested the Government to inform it of the outcome of these hearings. With regard to the six cases, the Government replied that the South African Police Service has no records or information pertaining to them. No information on them has been registered on the population register of South African citizens. Consequently, the Working Group decided, in accordance with paragraph 20 of its methods of work, to discontinue consideration of these six cases, which remain pending on its files. The Working Group believes that it no longer has a useful role to play in trying to elucidate the whereabouts of the persons concerned, as the source of information is no longer in contact with the families and no follow-up can be given to the cases. Over the years, the Working Group has made numerous attempts to try to establish the fate and whereabouts of the persons reported as missing, both through its communications with the source, as well as with the Governments of South Africa and Namibia, however to no avail.

340. The majority of the 11 cases of disappearance reported to the Working Group occurred between 1976 and 1982 in Namibia. Since, at that time, Namibia was under South African jurisdiction and responsibility for the disappearance was imputed to agents of South Africa, the cases have been retained on the South Africa country file in accordance with the Working Group's methods of work.

Sri Lanka

341. During the period under review, the Working Group transmitted 695 newly reported cases of disappearances to the Government of Sri Lanka, 77 of which reportedly occurred in 1997; nine were sent under the urgent action procedure.

342. Since the establishment of the Working Group in 1980, 12,208 cases of disappearance alleged to have occurred in Sri Lanka have been reported to the Working Group. The cases occurred in the context of two major sources of conflict in that country: the confrontation of Tamil separatist militants and government forces in the north and north-east of the country, and the confrontation between the People's Liberation Front (JVP) and the government

forces in the south. Cases reported to have occurred between 1987 and 1990 took place mostly in the Southern and Central Provinces of the country, during a period in which both security forces and the JVP resorted to the use of extreme violence in the contest for State power. In July 1989, the conflict in the south took a particularly violent turn when the JVP adopted even more radical tactics, including enforced work stoppages, intimidation and assassination, as well as targeting the family members of the police and army. To thwart the JVP military offensive, the State launched a generalized counter-insurgency campaign and the armed forces and the police appear to have been given wide latitude to eliminate the rebel movement and restore law and order in any way they saw fit. By the end of 1989, the armed forces had put down the revolt.

343. Cases reported to have occurred since 11 June 1990, the date of resumption of hostilities with the Liberation Tigers of Tamil Elam (LTTE), have taken place primarily in the Eastern and North-Eastern Provinces of the country. In the north-east, the persons most often reported detained and missing were young Tamil men accused or suspected of belonging to, collaborating with, aiding or sympathizing with LTTE. Tamil persons internally displaced owing to the conflict and staying in informal shelters such as church or school centres were particularly at risk of detention and disappearance. The most frequently utilized method of detention in the north-east was the cordon-and-search operation in which the army, often in conjunction with the police, and particularly the Special Task Force, went into a village or a rural area and detained scores of persons. Many were released within 24 to 48 hours, but a percentage of the persons remained in custody for questioning.

344. Out of concern at the situation of disappearance in Sri Lanka, and at the invitation of the Government, the Working Group undertook two missions to that country from 7 to 18 October 1991 and from 5 to 15 October 1992. The reports of the Working Group are contained in documents E/CN.4/1992/18/Add.1 and E/CN.4/1993/25/Add.1.

345. The vast majority of the newly reported cases occurred during 1996 in Jaffna, Batticaloa and Mannar districts, frequently in the context of so-called round-up operations by military personnel. The number of disappearances in Sri Lanka increased steeply following the resumption of hostilities in 1995. The persons concerned were mostly young Tamil men, many of them poor farm labourers, fishermen or students from Trincomalee.

346. Serious concern has been expressed to the Working Group at the increase in the number of reported cases of disappearances during the past year. Reportedly, since the security forces regained control over the Jaffna peninsula in late 1995, the total number of disappearances is said to be the highest since 1990. It is alleged that the security forces resort to disappearances in reprisal for attacks on the security forces by members of LTTE. Reportedly, such disappearances frequently occur after the persons concerned are taken into custody during so-called round-up operations. It is further alleged that the Prevention of Terrorism Act and Emergency Regulations facilitate such violations, as does the failure of the government to bring the perpetrators to justice. Concern was also expressed to the Working Group that the payment of compensation to affected families continues to be very slow.

347. During the period under review, the Government of Sri Lanka provided information on 56 individual cases. The vast majority of persons concerned had been released from prison or were out on bail. Five persons were reportedly detained and one is said to have been killed. The Government also informed the Working Group that the number of alleged disappearances decreased during 1997 due to the efforts of the Government to protect human rights. It said that the International Committee of the Red Cross is present in Jaffna and other parts of the country and has free access to places of detention, as does the newly established Human Rights Commission of Sri Lanka. In the reports of the three presidential commissions which investigated past allegations of disappearances, the Government has stated that the perpetrators will be prosecuted. The Government further informed the Group that constitutional reforms had been tabled in Parliament to protect the right to life and ensure that detained persons have the right to contact a relative or friend and to consult a lawyer. The Government also provided information on the issue of compensation, in reply to the Working Group's letter of 27 June 1997. This information is contained in chapter I.F of the present report.

Observations

348. The Working Group wishes to express its appreciation to the Government of Sri Lanka for the information which it has provided during the course of the year, and for its efforts to investigate and clarify the fate of the many thousands of persons who disappeared in the past. Nevertheless, it is alarmed at the recent re-emergence of the systematic practice of enforced disappearance in Sri Lanka, and notes that it is the country with the highest number of disappearances reported to have occurred in 1997. In addition, it remains concerned at the fact that notwithstanding the efforts of the Government, very few cases on the Working Group's files have been clarified.

349. The Group wishes to remind the Government of its obligations under article 10 of the Declaration to hold persons deprived of liberty only in officially recognized places of detention, to bring them promptly before a judicial authority and to make accurate information on the detention of such persons promptly available to their family members, their legal counsel, or to any other persons having a particular interest. The provisions of the Prevention of Terrorism Act and the Emergency Regulations currently in force do not correspond to these rights and the Working Group therefore wishes to repeat its request that the necessary legal amendments be made by the Government in order that it may comply with its obligation to prevent new cases of enforced disappearances.

350. The Working Group also wishes to remind the Government of its obligation to investigate all outstanding cases of enforced disappearances and in this respect looks forward to receiving the reports of the three presidential commissions of inquiry.

Sudan

351. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Sudan.

352. The majority of the 257 outstanding cases concern 249 villagers who were allegedly abducted from the village of Toror in the Nuba Mountains in 1995 by the armed forces of the Government of the Sudan. It is suspected that the villagers have been taken to one of the Government-controlled "peace camps".

353. In response to allegations received from the Special Rapporteur on the situation of human rights in the Sudan, Mr. Gáspár Biró, the Advisory Council for Human Rights of the Government of the Sudan released a report entitled "Publication of the results of the investigation carried out by the Judicial Commission about the Juba event of 1992". The Working Group welcomed the release of this report, which provides the findings of the Judicial Commission established to investigate the events that occurred in Juba in 1992 in which it is alleged that over 290 soldiers, police officers, prison guards, paramilitary forces attached to the Department of Wildlife and prominent civilians were arrested after the Government regained control of the town in June 1992. Most have disappeared and it is believed that the majority were summarily killed. The Working Group shares the view of the Special Rapporteur on the situation of human rights in the Sudan, who stated in his interim report to the General Assembly (A/52/510) that the report does not address the question of the treatment of the detainees during detention and investigation nor does it address in a convincing manner allegations of extrajudicial and summary killings and summary executions. The Working Group would also note that the report fails to provide information to the families on the location of the bodies for those who were reported to have been executed following trial, or for those who were reported to have been killed in the attacks against Juba.

354. The Government also submitted to the Working Group the "Final report on the work of the Special Committee to Investigate Cases of Enforced or Involuntary Disappearance during the period from February 1996 to July 1997". Based upon its investigations in the field and personal interviews with 36 citizens who had allegedly disappeared in southern Kordofan, which were detailed in the Committee's first report dated 15 August 1996, the Committee reported that it had obtained the addresses of about 180 alleged victims of enforced or involuntary disappearance in southern Kordofan. It further reported that the other alleged victims were said to have travelled, voluntarily and of their own free will, to various other Sudanese provinces in search of employment and stability. Four them were reported to have died. In the light of the testimonies and statements of those citizens and the statements of other persons interviewed, the Committee found that none of them had been abducted by the armed forces or government agencies.

355. The Working Group informed the Government of the Sudan that it had decided that the information contained in the report of the Special Committee is insufficient to consider the cases clarified under the methods of work of the Working Group because more detailed information needs to be provided, such as the current address of the alleged victim or a death certificate in those cases where the individual is reported to have died.

Observations

356. The Working Group wishes to thank the Government of the Sudan for submitting to it the final report of the Special Committee of Investigation.

It reminds the Government, however, of its obligation under article 13 of the Declaration to conduct impartial and effective investigations into alleged cases of disappearances until the fate and whereabouts of the victims are established beyond a reasonable doubt. It also reminds the Government that under article 14 the perpetrators should be brought to justice, and that all victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation in accordance with article 19.

Syrian Arab Republic

357. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Syrian Arab Republic. During the same period, the Working Group clarified two cases on the basis of information provided by the Government on which no objections had been received from the source within a period of six months; in one case it was reported that the person was a medical doctor who was currently pursuing specialized studies in ophthalmology and was working for the Syrian Ministry of Health in Hama; in the other case the Government reported that the person had been detained for evading military service, but released under the terms of a presidential amnesty.

358. Of the 35 cases of disappearance reported to the Working Group, 26 have been clarified. Among the nine outstanding cases, a substantial number allegedly occurred throughout the country in the early to mid-1980s. Some of the persons concerned were allegedly members of terrorist groups; others were reportedly members of the military or civilians.

359. During the period under review, concern was expressed to the Working Group that the fate of those who have disappeared in Lebanon has still not been determined nor the perpetrators brought to justice. It was further alleged that both Lebanese citizens and stateless Palestinians continue to disappear in Lebanon, taken into custody there by Syrian security forces and then transferred to and detained in the Syrian Arab Republic. Allegedly, the Government of Lebanon not only acquiesces to such activities by the Government of Syria, but sometimes also collaborates with Syrian forces in carrying out disappearances, in violation of article 2 (1) of the Declaration.

360. During the period under review, the Government provided information on three individual cases, two of which were subsequently clarified. In the third case the Government reported that the person concerned had died in prison. In this case, the Working Group has requested a copy of the death certificate. The Government also provided information on one case of disappearance which reportedly occurred in Lebanon and in which Syrian forces were implicated. In this connection, the Government stated that its forces were not engaged in "police work or arrests of citizens" in Lebanon. See also the country chapter on Lebanon.

Tajikistan

361. During the period under review, the Working Group transmitted two newly reported cases of disappearance to the Government of Tajikistan, both of which reportedly occurred in 1997 and were sent under the urgent action procedure. During the same period, the Working Group clarified one of these cases when the source reported that the person concerned had been released. The two

cases concerned brothers of Badakhshani ethnic origin who reportedly ran a business in the city of Khusan. One of the brothers, who remains disappeared, is said to have been a member of the last parliament of the Soviet Union.

362. The six cases of disappearance previously reported to the Working Group were alleged to have occurred between late 1992 and July 1993 in the context of the escalating civil war when pro-Government forces took over the capital of Dushanbe.

363. Although several reminders have been sent, no information has ever been received by the Working Group from the Government. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Togo

364. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Togo. Six of the 10 outstanding cases concern persons who were reportedly detained in 1994 by members of the armed forces at Adetikope as they were on their way to Lomé to visit two relatives of the Secretary-General of the Togolese Drivers' Trade Union, who had reportedly been injured in a car accident. One other case concerned a civil servant who was reportedly the adviser to the President of the High Council of the Republic between 1991 and 1993 and who is said to have been abducted from his car in the Lomé suburb of Aguényié and taken to an unknown destination by three men in a minibus, followed by a military vehicle. The other victims were a man arrested by the police and taken to the Central Commissariat in Lomé, from where he disappeared a few days later; a farmer abducted from his home by armed men and taken to an unknown destination; and a businessman abducted from his home by five men in military fatigues.

365. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared persons.

Turkey

366. During the period under review, the Working Group transmitted eight newly reported cases of enforced or involuntary disappearances to the Government of Turkey, all of which were sent under the urgent action procedure; two of the cases reportedly occurred in 1997. During the same period, the Working Group clarified two cases on the basis of the information provided by the Government in which it was reported that the persons concerned had been released from custody. One other case was clarified by the source, who informed the Group that the missing person was in prison.

367. Since the creation of the mandate, 153 cases of enforced or involuntary disappearances have been reported to the Working Group, of which 70 have been clarified. The majority of these cases reportedly occurred in south-east Turkey, in areas where a state of emergency was in force. While in 1994 the Working Group transmitted 72 newly reported cases, the number dropped down to 17 in 1995, to 12 in 1996 and to 9 in 1997. Although these figures show that the peak of alleged cases of disappearances occurred in 1994 and that there has been a decrease in their number, disappearances still continue to occur

in Turkey. The Working Group also received allegations of disappearances imputed to insurgent groups. However, in accordance with the definition of disappearances in the preamble to the Declaration, the Group does not consider such cases.

368. Victims of the newly reported cases were all Kurds, and included eight males and a female. The youngest was 17 years old, and the eldest was aged 73. All the new cases took place in Diyarbakir, south-east Turkey, which is a region under a state of emergency. In six of these cases, those allegedly responsible were plain-clothes police officers. In two other cases, the alleged perpetrators were said to be members of the Anti-Terror Branch.

369. According to the information received during the period under review, on 6 March 1997, the Turkish Parliament adopted a law reducing the detention period for security detainees involved in collective crimes in areas under the state of emergency from 30 to 10 days, and from 15 to 7 days elsewhere. The law also reduced the period of detention for collective crimes not under the jurisdiction of State security courts from 8 to 7 days. Under the new law, however, detainees only have a right to legal counsel after 4 days of detention. Although many non-governmental organizations have welcomed this change in the law, scepticism exists as to whether the law will be implemented in practice. The Working Group was also informed that the state of emergency was lifted in the provinces of Batmar, Bitlis and Bingol in October 1997.

370. The existence of a state of emergency is said to continue to be a major obstacle to the implementation of the Declaration, as it has reportedly led to the excessive concentration of power in the hands of the authorities. Impunity is said to be another contributing factor in the continuation of violations of human rights in Turkey. Reportedly, although members of the security forces are said to be responsible for most cases of enforced disappearances, they are said never to be brought to trial or prosecuted for these acts. It is further alleged that one of the obstacles to prosecuting police officers, particularly in the provinces under a state of emergency decree, is the Temporary Law on the Procedure for Investigation of Civil Servants, which dates from 1913. It is said that according to this law, the decision to prosecute members of the security forces for acts committed in the course of their duties is not in the competence of the prosecutor, but of local administrative councils, which are made up of civil servants under the influence of the regional or provincial governor, who is also the head of the security forces.

371. During the period under review, the Government of Turkey invited the Working Group to visit the country, in response to the Group's request for a visit made on 21 July 1995. It was proposed that the visit take place in the fourth quarter of 1997. Unfortunately, it was not possible to find a mutually convenient date which would have allowed the Working Group to undertake a mission and report to the present session of the Commission on Human Rights. The Group looks forward to carrying out the mission during 1998.

372. The Government provided replies to eight individual cases. In one case the Government acknowledged the detention of the subject and informed the Group that he was being held at Diyarbakir E-Type prison. The source later reported that subject had been released. In seven other cases, the Government

informed the Working Group that none of the subjects were taken into custody and that they had no record with the police. However, investigations into their cases were under way.

373. The Government also provided replies of a more general nature. On 10 December 1996, a copy of a press statement by the Deputy Prime Minister and Minister of Foreign Affairs was transmitted to the Working Group informing it that the Government had taken a series of measures in order to eliminate human rights violations. These measures included a range of reforms in the judiciary, such as the reduction of the detention period. The statement also referred to the fact that the Ministry of the Interior had issued a circular instructing police stations to conform strictly to all relevant national legislation and to all international commitments in the field of human rights. According to this reply, a Special Bureau to Investigate Allegations Concerning Missing Persons had also been put in place. Detailed information about the findings of this Bureau was provided by letter dated 20 December 1997.

374. The Government further informed the Working Group that the Turkish Grand National Assembly had adopted a draft law included in the Human Rights Reform Package of Turkey. According to the Government, the law introduced major reductions in the detention period, in conformity with European practices. The Government also expressed its will to strengthen the activities of the Missing Persons Bureau. A plan to establish a committee to monitor the implementation of all these measures and to bring proposals to the Government was being developed.

375. Detailed information on the functioning of the Missing Persons Bureau was also provided. According to the Government, in order to facilitate investigations and receive applications, the Bureau is open 24 hours a day. In addition, a mobile centre for the investigation of disappeared persons was established within the bureau. The activities of this mobile centre are carried out in a bus designed specifically for the speedy processing of applications. An intensive public information campaign has been carried out in order to make the Bureau and the mobile centre widely known. As of 28 April 1997, 106 applications concerning alleged disappearances had been made to the Bureau and the mobile centre.

376. The Government of Turkey provided information concerning terrorist activities carried out by the Kurdish Workers Party (PKK). The Government also responded to the Working Group's request for information on compensation. This information is contained in chapter I.F on compensation.

Observations

377. The Working Group wishes to express its appreciation to the Government of Turkey for its continued cooperation, for all the information which it has provided during the period under review and for its invitation to visit the country. Unfortunately, no mutually convenient date for the mission could be found in 1997. It expresses its hope that the mission can be carried out in the near future.

378. While taking into account recent legislation which reduced the period of administrative detention and the lifting of the state of emergency in a number of provinces, the Working Group nevertheless considers the state of emergency

in the remaining provinces to be one of the causes for the continuing occurrence of enforced disappearances. Since impunity is another root cause of the practice, it reminds the Government of its obligation under article 14 of the Declaration to bring to justice all persons presumed responsible for an act of enforced disappearance.

Uganda

379. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Uganda.

380. All of the 20 reported cases of disappearance occurred between 1981 and 1985, i.e. before the present Government took office. The reported arrests or abductions occurred throughout the country and in one case the person was allegedly abducted while in exile in Kenya and taken to Kampala. One case concerned the 18-year-old daughter of an opposition member of the Ugandan Parliament. The arrests are said to have been made by policemen, soldiers or officials of the National Security Agency.

381. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Ukraine

382. During the period under review, the Working Group transmitted, for the first time, three cases of alleged disappearance to the Government of Ukraine. The disappearances reportedly occurred in 1995 and concern two brothers and a friend who are said to have been arrested in Simpherolol, Crimea, by members of the security forces.

383. During the same period, the Government of Ukraine informed the Working Group that the Procurator's Office of the Autonomous Republic of Crimea had undertaken an investigation into the subjects' whereabouts. Witnesses, close relatives, neighbours and acquaintances had been questioned and further investigations conducted, however, to no avail.

United Arab Emirates

384. During the period under review, the Working Group transmitted, for the first time, one case of alleged disappearance to the Government of the United Arab Emirates. The disappearance allegedly occurred in 1996 and concerns a university professor of Egyptian nationality who was reportedly seconded from Assyat University in Egypt to Agman University in the United Arab Emirates, and who is said to have disappeared shortly after returning to the United Arab Emirates from visiting his family in Cairo. He is said to be a well-known intellectual and human rights activist.

385. To date no response has been received from the Government of the United Arab Emirates. The Working Group is, therefore, unable to report on the fate and whereabouts of the missing person.

Uruguay

386. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Uruguay. At the same time, the Working Group deleted five cases from the files of Uruguay since it was determined that the disappearances had actually occurred in Argentina.

387. The majority of the 31 cases of disappearance reported to the Working Group occurred between the years 1975 and 1978 under the military Government, in the context of its fight against alleged subversion. It should be noted that the Working Group has received no reports of disappearances in Uruguay after 1982.

388. During the period under review, the Government of Uruguay provided information on 10 individual pending cases in the Working Group's files and on two other cases which were not registered with the Group. In three cases it enclosed an authenticated copy of the settlement agreed to by the families of the missing persons and the State of Uruguay, which provided for compensation to be paid to individuals for the "damages, injury and mental suffering experienced as a result of acts committed by State officials under the de facto government". In one other case the Government reported that the proceedings instituted against the State in connection with the person's disappearance had not yet come to an end and were with the appeals court; in another case, the court had accepted the State's plea of prescription. In five other cases the Government reported that in accordance with information received from the Government of Argentina, the persons concerned had in fact disappeared in Argentina and not in Uruguay. In all cases the Government provided extensive supporting evidence.

389. The Government also responded to the Working Group's letter concerning compensation, as well as to an additional request from the Working Group concerning the issue of compensation. This information is reflected in chapter I.F on compensation.

390. At its fifty-third session, the Working Group met with representatives of the Government of Uruguay and engaged in an exchange of views with regard to the cases which remain pending and the issue of compensation.

Uzbekistan

391. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Uzbekistan.

392. Two of the outstanding cases of disappearance concern an Islamic religious leader and his assistant who were reportedly detained in August 1995 by the National Security Service in Tashkent as they were waiting to board an international flight. The third case concerns the leader of the Islamic Renaissance Party, reportedly an unregistered political party, who was allegedly arrested in 1992 by men believed to be government agents.

393. During the period under review, the Government of Uzbekistan provided information on the three outstanding cases, informing the Working Group of the details of the investigations carried out thus far by the authorities into the

subjects' disappearance, and reporting that their search for the persons concerned was continuing and that the families were being kept informed of the findings.

Venezuela

394. During the period under review, no new cases of disappearance were transmitted to the Government of Venezuela by the Working Group.

395. Of the 10 cases reported to the Working Group, four have been clarified. Three of the six outstanding cases occurred in December 1991 and concern student leaders who had reportedly been intercepted by security forces during a commercial fishing expedition. A fourth case concerned a businessman arrested in February 1991 in Valencia City, Carabobo, by the police. A fifth case concerns a 14-year-old girl who was allegedly abducted in March 1993 following a military raid on her house in the peasant community of 5 de Julio, municipality of Catatumbo, State of Zulia. Another case concerns a person who was allegedly detained in February 1995 in the vicinity of Puerto Ayacucho, State of Amazona, by members of the Navy Infantry, following incidents in which eight Venezuelan soldiers were reportedly ambushed and killed by Colombia guerrillas.

396. During the period under review, the Government of Venezuela replied to the Working Group concerning the six outstanding cases. In one case it reported that the person concerned was living in Colombia, but the exact whereabouts was not specified; in three cases it stated that it had been impossible to determine the whereabouts of the individuals since the shipwreck of their boat, but they may possibly have drowned or died of natural causes; one case was before the Military Court of Maracay, which had been hearing the case against a number of members of the military suspected of involvement in the disappearance; in one other case the investigations undertaken by the Prosecutor's Office and the police had proved so far unsuccessful.

Yemen

397. During the period under review, no new cases of disappearances were transmitted by the Working Group to the Government of Yemen.

398. The majority of the 98 cases transmitted to the Government in the past occurred between January and April 1986 in the context of the fighting which took place during this time between supporters of President Ali Nasser Muhammad and his opponents. The President subsequently fled the country and his opponents took power. In the aftermath of the fighting, several suspected supporters of the former President were reportedly arrested and subsequently disappeared. The persons concerned are said to have been arrested either during the fighting on 13 January 1986 or in the period thereafter, between January and April 1986. The majority of the victims were members of the air force, the army or the security forces, but there were also civilians. Most of them were members of the Yemen Socialist Party. The forces said to be responsible for their arrest include the State security forces, the air force and the people's militia. One other case concerned the President of the Engineers' Union who was also said to be a member of the Central Committee of the Yemen Socialist Party and who reportedly disappeared in August 1994. This case was clarified in 1994 when the person concerned was reported to have been released.

399. During the period under review, the Government replied to the Working Group concerning the outstanding cases. It stated that these disappearances occurred in 1986 in what used to be the People's Democratic Republic of Yemen during the armed conflict. The list is only a fraction of what is estimated to be the number of victims to have been killed or disappeared during this time. The Government further stated that it believed it had a moral duty to the families of these victims and had decided to pay them in full the salaries of their missing loved ones. This process continues and the Government is seeking the extradition of those responsible, who are currently being tried in absentia.

400. Representatives of the Government met with the Working Group at its fifty-second session. They reiterated the Government's desire to cooperate with the Group. The Government said that it believed that most of these people had probably been executed, but they could not identify where they were buried. They stressed that this issue was very difficult for the families, as the latter hoped their missing relatives were still alive. The Government had passed a law which proclaimed any person who disappeared in those circumstances to be a martyr and entitled to his full salary. The Government asked the Working Group for advice on how to trace disappeared persons.

401. By note verbale dated 16 October 1997, the Government of Yemen invited the Working Group to visit the country. The Working Group has accepted the invitation and a mutually convenient date is being sought.

Palestinian Authority

402. During the period under review, the Working Group transmitted, for the first time, one case of disappearance to the Palestinian Authority, which reportedly occurred in 1997 and was sent under the urgent action procedure. The case concerns a real estate agent and father of five children who reportedly disappeared following his arrest by members of the Palestinian military intelligence in Ramallah.

403. To date, no response has been received from the Palestinian Authority. The Working Group is, therefore, unable to report on the fate and whereabouts of the missing person.

III. COUNTRIES IN WHICH ALL REPORTED CASES OF DISAPPEARANCE HAVE BEEN CLARIFIED

Gambia

404. During the period under review, the Working Group clarified the one case of disappearance transmitted to the Government of the Gambia, when the source reported that the person concerned had been released from detention. The case concerns a member of the now dissolved House of Representatives of the Gambia who was arrested in 1995 by the police and who subsequently disappeared. According to the source, he had been held for nearly two years in various prisons, without being charged or tried.

Saudi Arabia

405. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Saudi Arabia. During the same period, the Group clarified the one case of disappearance on the basis of information submitted by the Government in which it reported that the person concerned had been released from detention, and on which no observations had been received from the source during the period of six months. This case was transmitted in 1992 and concerned a businessman who was allegedly arrested in Amman in 1991 by Jordanian security forces, and was later handed over to the Saudi Arabian authorities.

Zambia

406. During the period under review, the Working Group transmitted, for the first time, one case to the Government of Zambia, which reportedly occurred in 1997 and was sent under the urgent action procedure. The case concerned a Rwandan citizen who was reportedly a former Minister of Justice and Commerce and who is said to have been living in Zambia since 1995. During the same period, the Group clarified this case when the source reported that the subject had been found in Rwanda, where she is detained in the Central prison of Kigali.

407. No reply was received from the Government of Zambia with regard to this case.

IV. CONCLUSIONS AND RECOMMENDATIONS

408. The present report, the eighteenth of the Working Group on Enforced or Involuntary Disappearances, is submitted to the Commission on Human Rights during "1998 - Human Rights Year", i.e. 50 years after the adoption of the Universal Declaration of Human Rights and five years after the Vienna World Conference on Human Rights. "Human Rights Year" is an occasion, on the one hand, to celebrate the achievements of the United Nations in the field of human rights during this half century and, on the other hand, to critically assess the present situation of human rights, to evaluate the implementation of the Vienna Declaration and Programme of Action, and to develop a human rights agenda for the future. Such critical assessment must include the various human rights mechanisms established by the United Nations. The Working Group takes the opportunity of presenting this report to include some reflections on the phenomenon of enforced disappearances and its own role in combating this gross and particularly heinous violation of human rights and in relieving the suffering of the victims and their families.

409. Enforced disappearances are a recent phenomenon which emerged during the 1960s and early 1970s as a systematic practice of repression in a number of countries in Latin America under military rule. Unfortunately, the practice of disappearances soon became a rapidly increasing phenomenon in other regions as well, with Iraq, Sri Lanka and the countries of the former Yugoslavia being the countries in which the highest number of cases were reported to the Working Group to have occurred. Most of the more recent cases occurred in the context of internal armed conflicts, ethnic and religious tensions and other forms of internal disturbances.

410. The establishment of thematic mechanisms by the Commission on Human Rights with the task of investigating gross violations of human rights in all countries of the world and of publicly reporting on their findings undoubtedly constitutes one of the major achievements of the United Nations human rights programme. The Working Group was the first such mechanism created, and it has played a pioneering role as a channel of communication between victims, families and non-governmental organizations on the one hand, and Governments on the other. Since its establishment in 1980, the Working Group has transmitted a total of 47,758 cases to 76 Governments. Out of these, only 2,801 cases could be clarified (1,822 by Governments and 979 by non-governmental sources); 17 cases have been discontinued. At the date of clarification, 1,681 persons were at liberty, 442 were in detention, and 678 were dead. Although every individual clarification must be seen as a success, the fact that 44,940 of a total of 47,758 cases are still outstanding is not a very encouraging result.

411. If one analyses the reasons for this high percentage of unresolved cases, one finds that many of these disappearances, particularly in Latin America, date back to the 1970s or early 1980s; most of the victims have probably been dead for a long time, but it is extremely difficult to establish beyond a reasonable doubt the exact fate and whereabouts of the victims. According to the Working Group's methods of work, such proof is, however, a precondition for considering the case clarified.

412. The Working Group, therefore, in recent years has intensified its efforts to mediate between the families of missing persons and the respective Governments to find a solution to these old cases which might be acceptable to all sides concerned. Although many of these Governments in fact have changed, and themselves show a keen interest in clarifying the old cases, the families and non-governmental organizations often accuse them of not taking sufficient measures to investigate these cases and to bring the perpetrators to justice - measures to which these Governments, even if not responsible for the acts of disappearance as such, are obliged to take under the Declaration on the Protection of All Persons from Enforced Disappearance. On the other hand, these Governments often enacted amnesty laws which legally prevent them from prosecuting the alleged perpetrators, a course of action which clearly is not in conformity with article 18 of the Declaration. Nevertheless, the Working Group offers its assistance in those cases to find a solution by means of a judicial declaration of presumption of death, with the concurrence of the families, and the payment of adequate compensation to them. A number of countries have made considerable efforts in this respect as is shown in the chapter in the present report on compensation, presumption of death and exhumation.

413. A good example of this approach is Brazil, which in 1995 adopted a law concerning the recognition as dead of persons missing in connection with their political activities in the period 1961-1979. This law provides that the relatives of such missing persons are entitled to obtain death certificates and to receive compensation from the State amounting to at least US$ 100,000 per person. The application of this law led to the result that 49 out of 56 cases which had been reported to the Working Group have already been clarified. Similar efforts are being undertaken by a number of other States, notably Argentina, Chile, Uruguay, the Philippines and Sri Lanka.

414. Another method of clarifying old cases is the exhumation and identification of mortal remains from mass graves and other places where victims of enforced disappearance had been clandestinely buried. The Government of Chile informed the Working Group that as of August 1997, remains had been exhumed allowing the identification of 231 persons, notwithstanding the fact that these persons were killed more than 20 years ago. The Working Group recommends to all States with a considerable number of outstanding cases to develop comprehensive programmes of forensic activities and to compensate the families of deceased victims of enforced disappearance.

415. Monetary compensation to the victims and/or their families is, however, only one possibility of providing redress. As the Working Group stresses in its general comments on article 19 of the Declaration (see paras. 68-75 above), the right to obtain redress for acts of enforced disappearance includes other forms of redress, such as medical, psychological, legal and social rehabilitation; restoration of personal liberty, employment and property; and other forms of restitution, satisfaction and reparation which may remove the consequences of the enforced disappearance.

416. The Working Group wishes to stress once again that impunity is one of the root causes of enforced disappearances, and at the same time one of the major obstacles to clarifying past cases. That is why the Declaration obliges States to make all acts of enforced disappearance offences under domestic criminal law, to promptly, thoroughly and impartially investigate any allegation of enforced disappearance and to bring the perpetrators to justice. In addition, article 18 explicitly states that perpetrators of enforced disappearance shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction. In some States with a high number of outstanding cases, families of missing persons demand as a precondition for a lasting solution to this problem, that Governments comply with their obligations under the Declaration to carry out thorough investigations, to inform the public of the outcome of such investigations, and to punish the perpetrators. Sometimes, far-reaching amnesty laws, notably in Peru and Argentina, prevent such investigations and prosecutions from taking place. As a consequence, the conflict between the families and the respective Government often continues over many years, and the Working Group is not in a position to clarify such cases. Therefore, it strongly recommends to Governments to comply with their obligations under the Declaration not to impede investigations by means of enacting amnesty laws and to stop the vicious cycle of impunity.

417. In some countries the Working Group was unable to achieve any progress in clarifying cases because of the non-cooperation of the respective Governments. The Governments of Burkina Faso, Burundi, Equatorial Guinea, Guinea, Mozambique, Rwanda, Seychelles and Tajikistan have never replied to any requests for information from the Working Group. The Government of Iraq, which is responsible for the highest number of cases of enforced disappearance reported to the Working Group, has not taken any meaningful measures to prevent, terminate and investigate acts of enforced disappearance and to bring the perpetrators to justice. The number of outstanding cases is, therefore, steadily increasing and amounts at present to not less than 16,366. The Working Group recommends that the Commission on Human Rights take appropriate action in relation to these countries.

418. As important as clarifying past cases of enforced disappearance is that Governments take effective legislative, administrative and judicial measures aimed at preventing the occurrence of such acts in the future. In the opinion of the Working Group, this is an area where most Governments failed to comply with their obligations under the Declaration. Although article 4 applies to all States, i.e. not only to those in which enforced disappearances actually take place, almost no Government has amended its criminal laws in order to ensure that acts of enforced disappearance as such are offences punishable by appropriate penalties. The enactment and effective implementation of such laws would be a major step towards terminating the widespread culture of impunity and thereby prevent acts of enforced disappearance. In addition, the Working Group stressed in its general comments on article 10 (E/CN.4/1997/34, paras. 23-30) that this provision combines three obligations which, if observed, would effectively prevent enforced disappearances: recognized place of detention, limits of administrative or pre-trial detention and prompt judicial intervention. Other important legal safeguards to prevent enforced disappearances and similar gross violations of human rights are the strict observance of the right of all detainees to have prompt access to their families, to lawyers and doctors of their own choice; the maintenance of official up-to-date registers of all persons deprived of their liberty; regular inspection of all places of detention by independent bodies; and proper human rights training of all prison and law enforcement personnel and members of the armed forces.

419. The observance of these rights does not seem to put an excessive burden on States, even in emergency situations. Most of these rights seem self-evident, at least in States that are based on minimum standards of the rule of law. Moreover, the implementation of these rights does not require high financial investments, and in any case is much cheaper than all efforts to investigate and clarify past cases of enforced disappearance, to bring the perpetrators to justice, to exhume mortal remains and to pay adequate compensation to the victims and their families. The Working Group, therefore, uses the opportunity of "Human Rights Year" to appeal once again to all Governments to take effective measures to prevent the crime of enforced disappearance. As the Working Group stated above, this crime was unknown until some 30 years ago. It is, therefore, not impossible, if the political will of Governments exists, that the phenomenon of enforced disappearances will disappear from history as quickly as it emerged.

V. ADOPTION OF THE REPORT

420. At the last meeting of its fifty-third session, on 21 November 1997, the present report was adopted by the members of the Working Group on Enforced or Involuntary Disappearances:

Ivan Tosevski Chairman-Rapporteur	(the former Yugoslav Republic of Macedonia)
Agha Hilaly	(Pakistan)
Jonas K. D. Foli	(Ghana)
Diego Garcia-Sayán	(Peru)
Manfred Nowak	(Austria)

Notes

1/ Since its creation in 1980, the Working Group has submitted a report to the Commission annually, starting at the Commission's thirty-seventh session. The document symbols of the previous 16 reports are as follows: E/CN.4/1435 and Add.1; E/CN.4/1492 and Add.1; E/CN.4/1983/14; E/CN.4/1984/21 and Add.1 and 2; E/CN.4/1985/15 and Add.1; E/CN.4/1986/18 and Add.1; E/CN.4/1987/15 and Corr.1 and Add.1; E/CN.4/1988/19 and Add.1; E/CN.4/1989/18 and Add.1; E/CN.4/1990/13; E/CN.4/1991/20 and Add.1; E/CN.4/1992/18 and Add.1; E/CN.4/1993/25 and Add.1; E/CN.4/1994/26 and Corr.1 and 2 and Add.1; E/CN.4/1995/36; E/CN.4/1996/38, and E/CN.4/1997/34.

2/ Resolutions 1997/16, 1997/27, 1997/28, 1997/37, 1997/39, 1997/42, 1997/43, 1997/44, 1997/46, 1997/57 and 1997/58.

3/ Hereafter referred to as the "Declaration".

Annex I

DECISIONS ON INDIVIDUAL CASES TAKEN BY
THE WORKING GROUP DURING 1997

DECISIONS ON INDIVIDUAL CASES TAKEN BY THE WORKING GROUP DURING 1997

Countries	Cases which allegedly occurred in 1997	Cases transmitted to the Government during 1997		Clarifications by		Discontinued cases
		Urgent actions	Normal actions	Government	Non-governmental sources	
Algeria	7	1	48	-	1	-
Angola	-	-	-	-	-	-
Argentina	-	-	-	-	1	-
Brazil	-	-	-	1	-	-
Burundi	2	2	-	-	-	-
Cameroon	-	-	-	-	-	-
Chile	-	-	-	1	-	-
China	-	-	-	2	-	-
Colombia	16	15	21	6	4	-
Dominican Republic	-	-	-	-	-	-
Ecuador	1	1	-	-	-	-
Egypt	-	-	2	5	-	-
El Salvador	-	-	-	-	-	-
Ethiopia	-	-	5	-	-	-
Gambia	-	-	1	-	1	-
Greece	-	-	-	-	-	-

DECISIONS ON INDIVIDUAL CASES TAKEN BY THE WORKING GROUP DURING 1997
(continued)

Countries	Cases which allegedly occurred in 1997	Cases transmitted to the Government during 1997		Clarifications by		Discontinued cases
		Urgent actions	Normal actions	Government	Non-governmental sources	
Guatemala	-	-	-	17	-	-
Honduras	-	-	-	-	1	-
India	7	7	21	2	-	-
Indonesia	30	57	-	14	2	-
Iran (Islamic Republic of	-	1	-	1	-	-
Iraq	-	-	283	-	-	-
Kuwait	-	-	-	-	-	-
Lao People's Democratic Republic	-	-	-	-	-	-
Lebanon	1	1	-	1	-	-
Libyan Arab Jamahiriya	-	2	-	-	1	-
Mexico	24	23	1	12	7	11
Morocco	1	1	-	24	1	-
Nicaragua	-	-	-	-	-	-
Paraguay	-	-	-	-	-	-
Peru	1	-	3	3	2	-

DECISIONS ON INDIVIDUAL CASES TAKEN BY THE WORKING GROUP DURING 1997
(continued)

Countries	Cases which allegedly occurred in 1997	Cases transmitted to the Government during 1997		Clarifications by		Discontinued cases
		Urgent actions	Normal actions	Government	Non-governmental sources	
Philippines	4	4	-	-	-	-
Russian Federation	-	-	33	-	-	-
Rwanda	-	-	-	-	-	-
Saudi Arabia	-	-	-	1	-	-
South Africa	-	-	-	-	-	6
Sri Lanka	77	9	686	-	-	-
Sudan	-	-	-	-	-	-
Syrian Arab Republic	-	-	-	2	-	-
Tajikistan	2	2	-	-	1	-
Tunisia	4	4	-	-	4	-
Turkey	2	8	-	2	1	-
Ukraine	-	-	3	-	-	-
United Arab Emirates	-	-	1	-	-	-
Uruguay	-	-	-	-	-	-

DECISIONS ON INDIVIDUAL CASES TAKEN BY THE WORKING GROUP DURING 1997
(continued)

Countries	Cases which allegedly occurred in 1997	Cases transmitted to the Government during 1997		Clarifications by		Discontinued cases
		Urgent actions	Normal actions	Government	Non-governmental sources	
Uzbekistan	-	-	-	-	-	-
Venezuela	-	-	-	-	-	-
Yemen	-	-	-	-	-	-
Zambia	1	1	-	-	1	-
and the Palestinian authority	1	1	-	-	-	-

Annex II

STATISTICAL SUMMARY: CASES OF ENFORCED OR INVOLUNTARY DISAPPEARANCES REPORTED TO THE WORKING GROUP BETWEEN 1980 AND 1997

STATISTICAL SUMMARY

Cases of involuntary disappearances reported to the Working Group between 1980 and 1997

Countries	Cases transmitted to the Government				Clarifications by		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	
	No. of cases	Female	No. of cases	Female						
Afghanistan	2	-	2	-	-	-	-	-	-	-
Algeria	153	8	146	-	5	2	2	-	5	-
Angola	7	1	4	0	3	0	0	0	3	-
Argentina	3 453	772	3 375	749	43	35	49	-	29	-
Bahrain	1	-	-	-	-	1	-	1	-	-
Bangladesh	1	1	1	-	-	-	-	-	-	-
Bolivia	48	8	28	-	19	1	19	-	1	-
Brazil	56	4	7	-	48	1	1	2	46	-
Bulgaria	3	-	-	-	3	-	-	-	3	-
Burkina Faso	3	-	3	-	-	-	-	-	-	-
Burundi	49	-	49	-	-	-	-	-	-	-
Cameroon	6	-	6	-	-	-	-	-	-	-
Chad	12	-	11	-	1	-	-	-	1	-
Chile	912	67	847	-	42	23	2	-	63	-
China	73	5	26	-	41	6	35	11	1	-

STATISTICAL SUMMARY

Cases of involuntary disappearances reported to the Working Group between 1980 and 1997

Countries	Cases transmitted to the Government				Clarifications by		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	
	No. of cases	Female	No. of cases	Female						
Colombia	1 006	86	782	-	168	56	129	20	75	-
Democratic Republic of the Congo	27	1	21	-	6	-	6	-	-	-
Dominican Republic	4	-	2	-	2	-	2	-	-	-
Ecuador	21	2	6	-	11	4	6	4	5	-
Egypt	19	-	12	-	7	-	-	7	-	-
El Salvador	2 661	332	2 270	267	318	73	196	175	20	-
Equatorial Guinea	3	-	3	-	-	-	-	-	-	-
Ethiopia	107	2	105	-	1	1	1	1	-	-
Gambia	1	-	-	-	-	1	-	1	-	-
Greece	3	-	3	-	-	-	-	-	-	-
Guatemala	3 151	396	2 990	342	82	79	99	5	57	-
Guinea	28	-	21	-	-	7	-	-	7	-
Haiti	48	1	38	-	9	1	5	4	1	-

STATISTICAL SUMMARY

Cases of involuntary disappearances reported to the Working Group between 1980 and 1997

Countries	Cases transmitted to the Government				Clarifications by		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	
	No. of cases	Female	No. of cases	Female						
Honduras	197	34	128	-	30	39	53	8	8	-
India	272	10	233	-	29	10	13	6	20	-
Indonesia	485	1	418	35	53	14	51	14	2	-
Iran (Islamic Republic of)	510	99	496	-	12	2	4	1	9	-
Iraq	16 496	2 311	16 366	-	107	23	106	3	21	-
Israel	3	-	2	-	-	1	-	-	1	-
Kazakhstan	2	-	-	-	-	2	-	2	-	-
Kuwait	1	-	1	-	-	-	-	-	-	-
Lao People's Democratic Republic	1	-	1	-	-	-	-	-	-	-
Lebanon	287	15	281	13	1	5	5	1		-
Libyan Arab Jamahiriya	3	-	2	-	-	1	1	-	-	-

STATISTICAL SUMMARY

Cases of involuntary disappearances reported to the Working Group between 1980 and 1997

Countries	Cases transmitted to the Government				Clarifications by		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	
	No. of cases	Female	No. of cases	Female						
Mauritania	1	-	1	-	-	-	-	-	-	-
Mexico	343	25	231	-	84	17	50	9	42	11
Morocco	233	27	118	-	88	27	99	1	15	-
Mozambique	2	-	2	-	-	-	-	-	-	-
Myanmar	2	1	-	-	2	-	1	1	-	-
Nepal	6	-	5	-	-	1	1	-	-	-
Nicaragua	234	4	103	-	112	19	45	11	75	-
Nigeria	5	1	-	-	5	-	5	-	-	-
Pakistan	60	2	56	-	1	3	4	-	-	-
Paraguay	23	1	3	-	20	-	19	-	1	-
Peru	3 004	311	2 369	116	252	383	447	85	103	-
Philippines	653	80	500	-	122	31	106	17	30	-
Romania	1	-	-	-	1	-	1	-	-	-
Russian Federation	193	11	193	-	-	-	-	-	-	-

Cases of involuntary disappearances reported to the Working Group between 1980 and 1997

Countries	Cases transmitted to the Government				Clarifications by		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	
	No. of cases	Female	No. of cases	Female						
Rwanda	11	1	7	-	1	3	4	-	-	-
Saudi Arabia	1	-	-	-	1	-	1	-	-	-
Seychelles	3	-	3	-	-	-	-	-	-	-
South Africa	11	1	1	-	2	2	4	-	-	6
Sri Lanka	12 208	147	12 144	0	30	34	31	17	16	-
Sudan	261	34	257	-	1	3	4	-	-	-
Syrian Arab Republic	35	3	9	-	13	13	18	5	3	-
Tajikistan	8	-	6	-	-	2	1	-	1	-
Thailand	2	-	2	-	-	-	-	-	-	-
Togo	11	2	10	-	-	1	1	-	-	-
Tunisia	5	-	-	-	1	4	-	5	-	-
Turkey	153	10	83	-	31	39	46	13	11	-
Turkmenistan	2	-	-	-	2	-	-	2	-	-

STATISTICAL SUMMARY

Cases of involuntary disappearances reported to the Working Group between 1980 and 1997

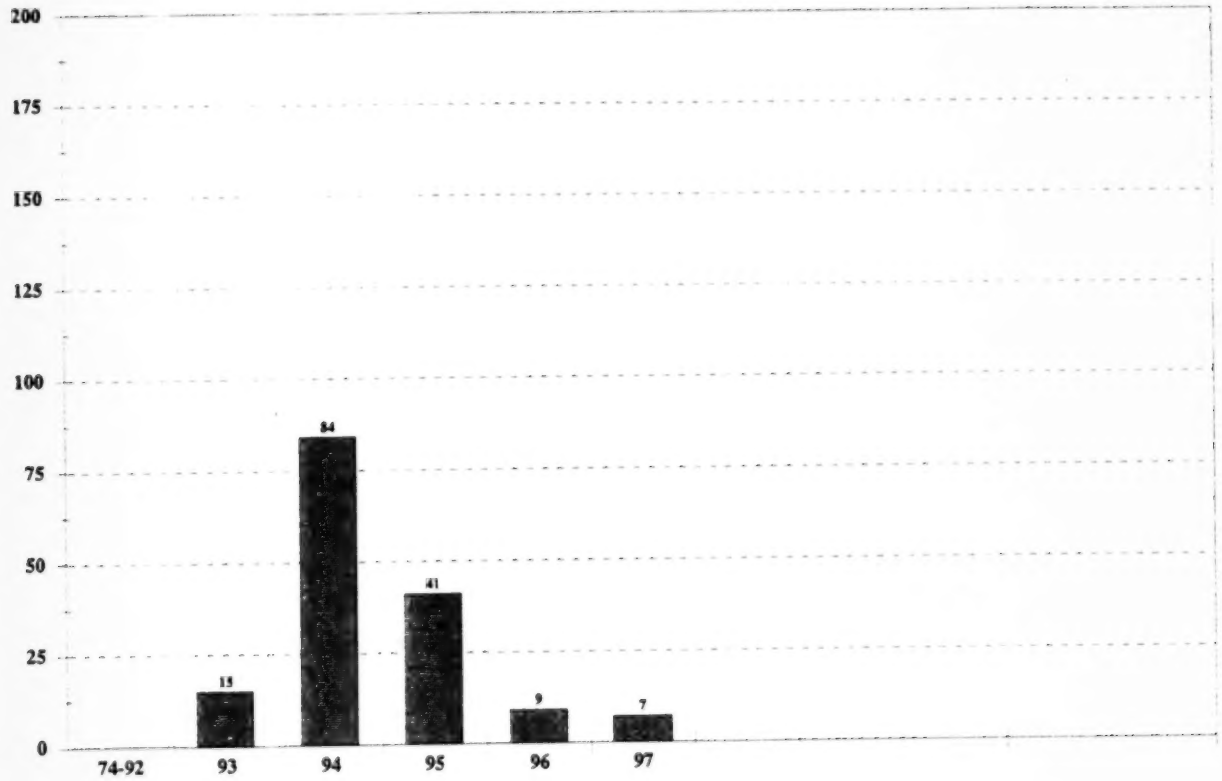
Countries	Cases transmitted to the Government				Clarifications by		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	
	No. of cases	Female	No. of cases	Female						
Ukraine	3	2	3	-	-	-	-	-	-	-
Uganda	20	4	13	-	2	5	2	5	-	-
United Arab Emirates	1	-	1	-	-	-	-	-	-	-
*Uruguay	31	7	23	-	7	1	4	4	-	-
Uzbekistan	3	-	3	-	-	-	-	-	-	-
Venezuela	10	2	6	-	4	-	1	-	3	-
Yemen	98	-	97	-	-	1	1	-	-	-
Zambia	1	1	-	-	-	1	-	1	-	-
Zimbabwe	1	-	-	-	1	-	-	-	1	-
and the Palestinian Authority	1	-	1	-	-	-	-	-	-	-

* The Working Group deleted five cases from the files of Uruguay since it was determined that the disappearances had occurred in Argentina.

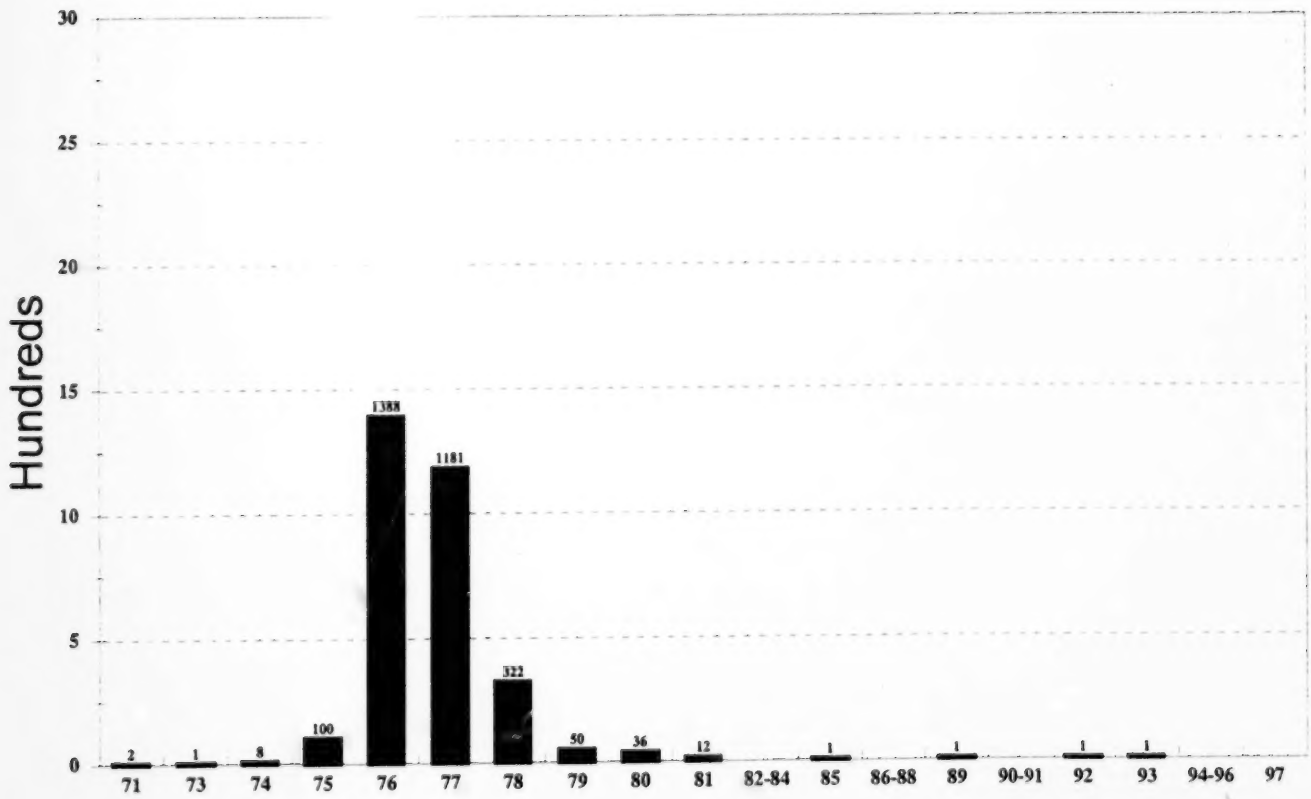
Annex III

GRAPHS SHOWING THE DEVELOPMENT OF DISAPPEARANCES IN COUNTRIES WITH MORE THAN 100 TRANSMITTED CASES DURING THE PERIOD 1973-1997

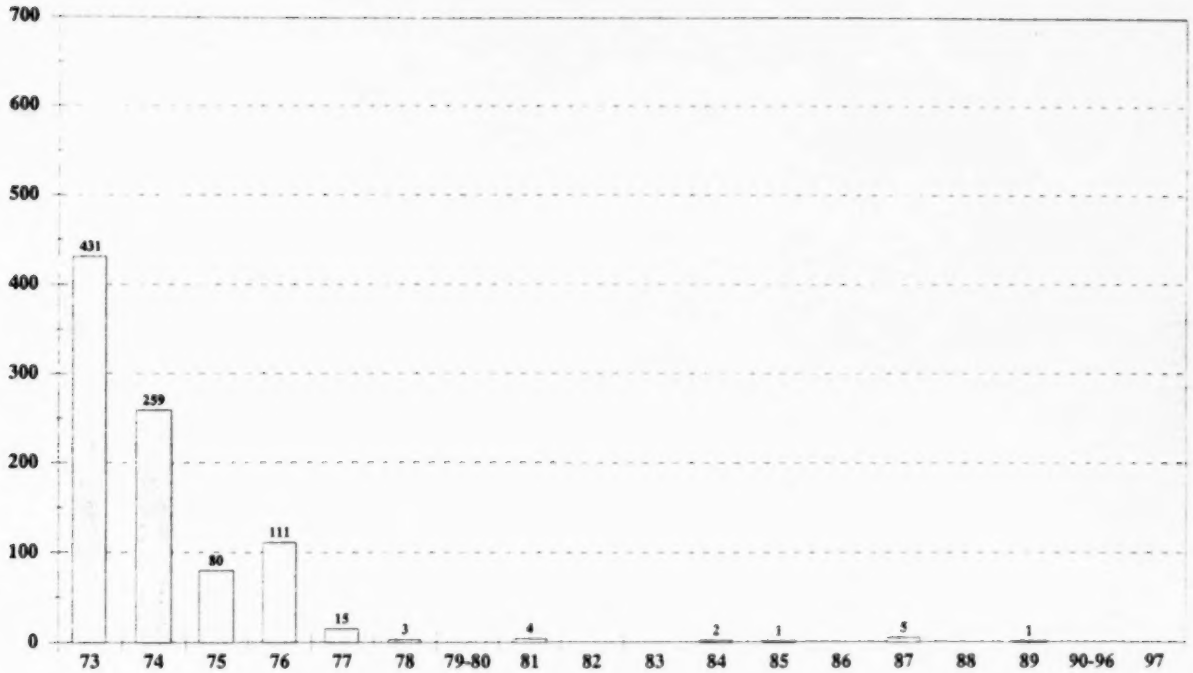
ALGERIA



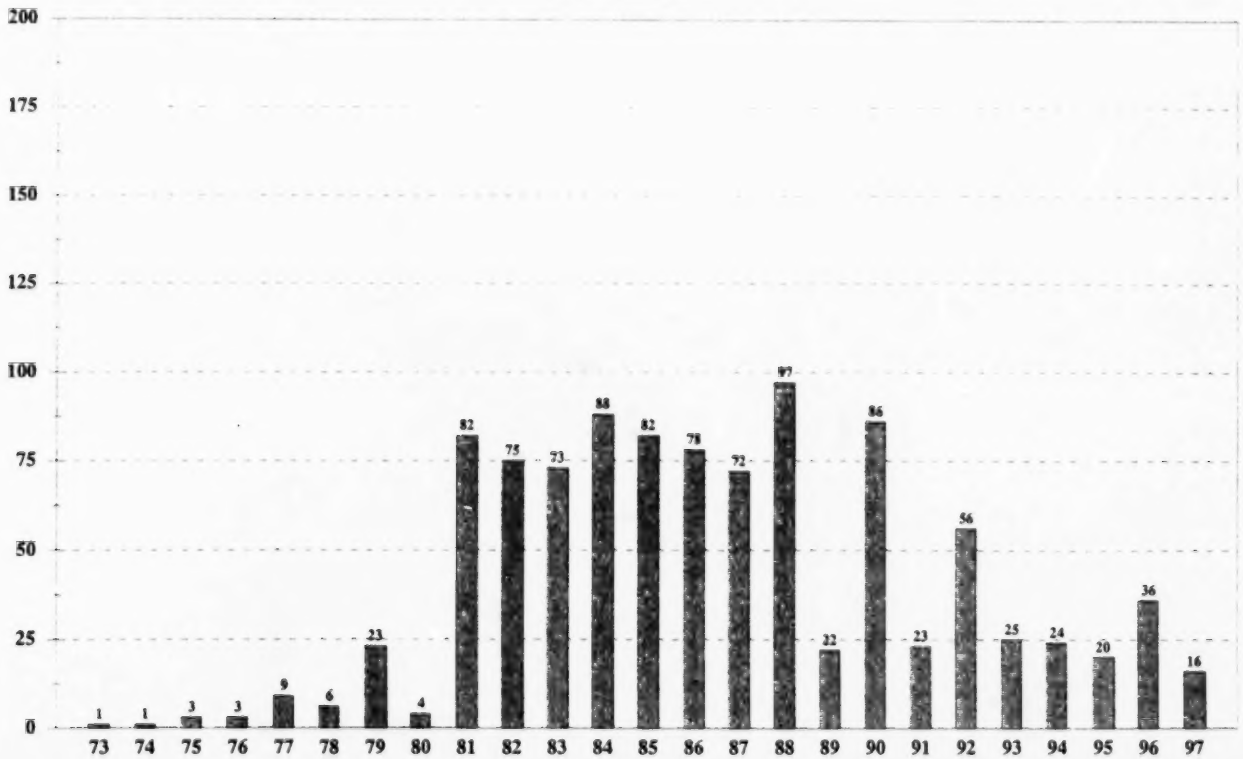
ARGENTINA



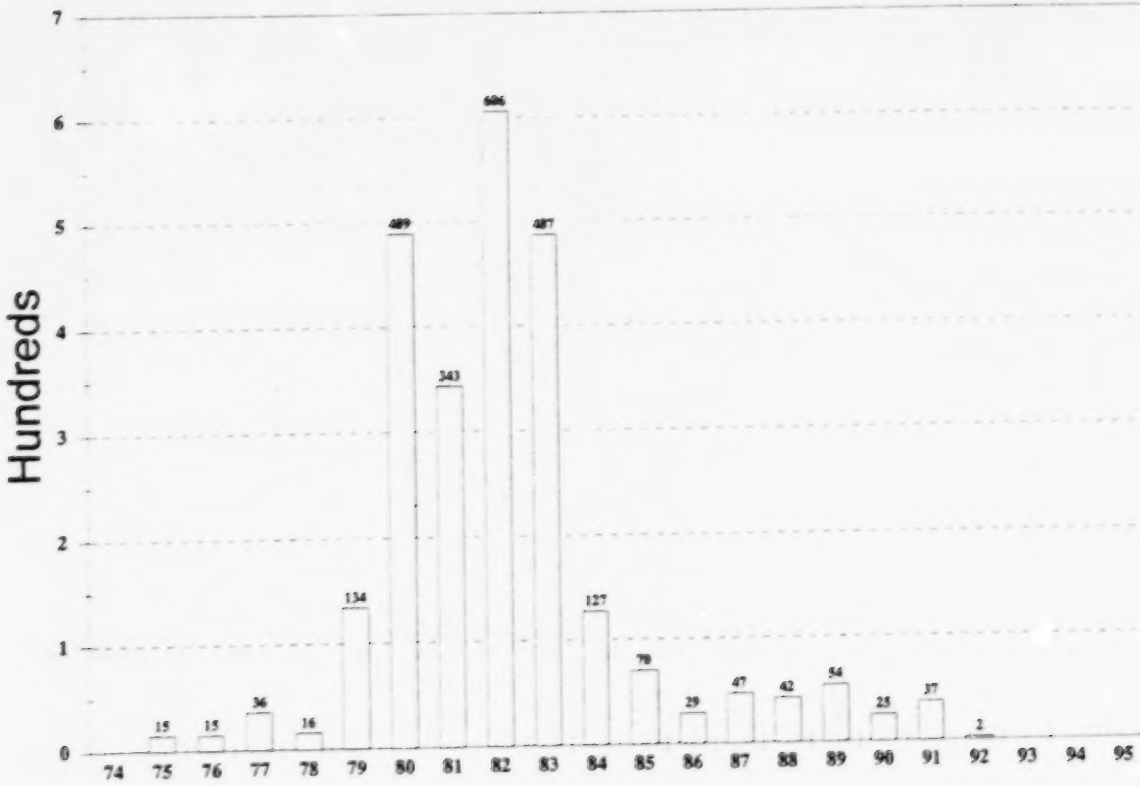
CHILE



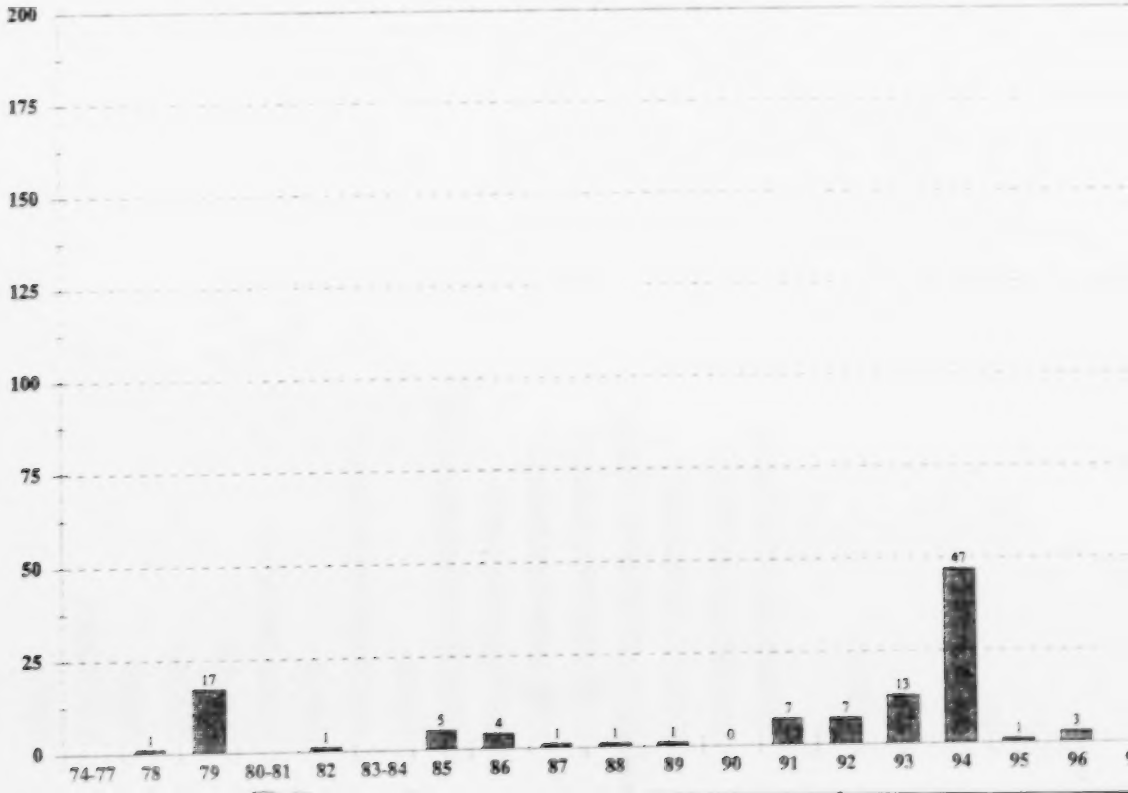
COLOMBIA



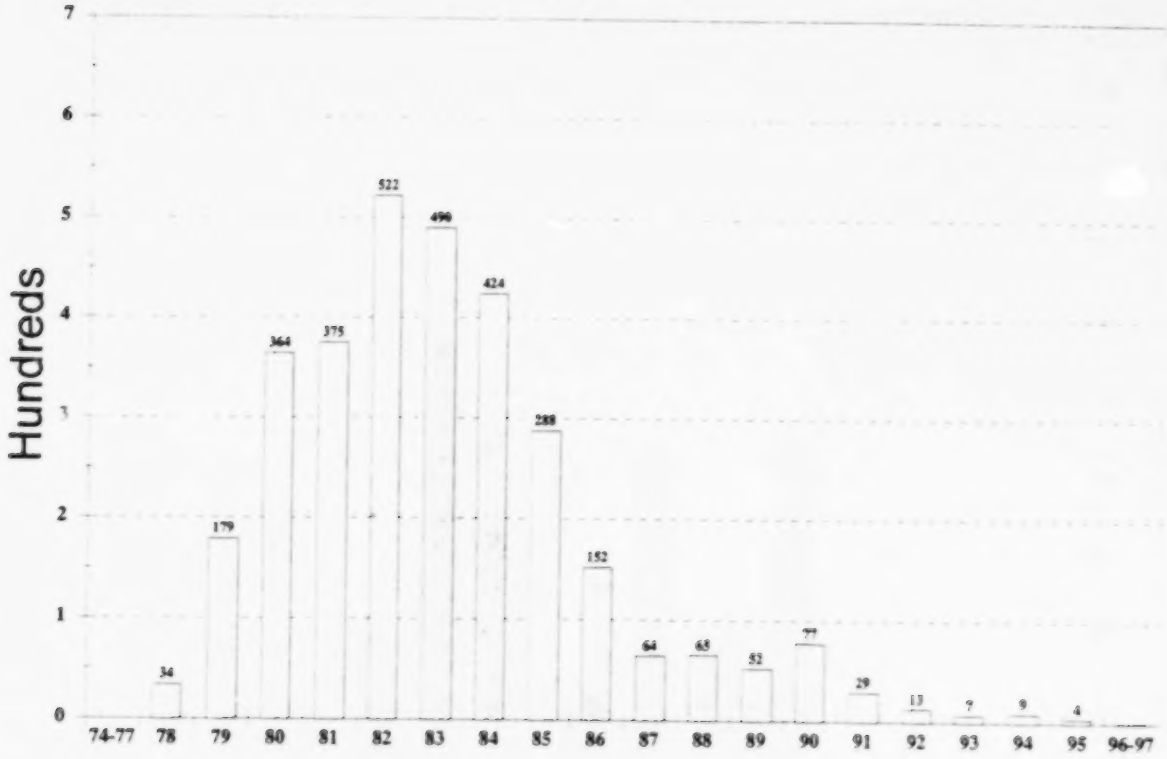
EL SALVADOR



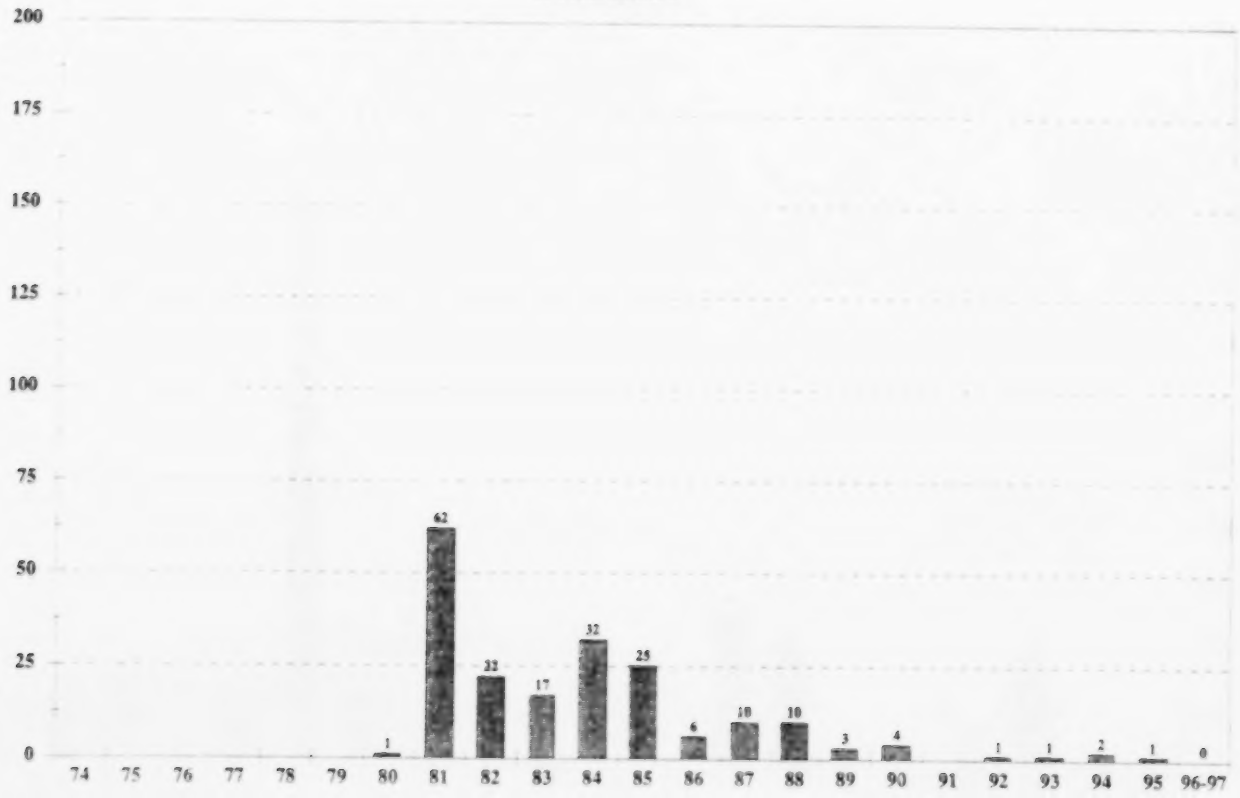
ETHIOPIA



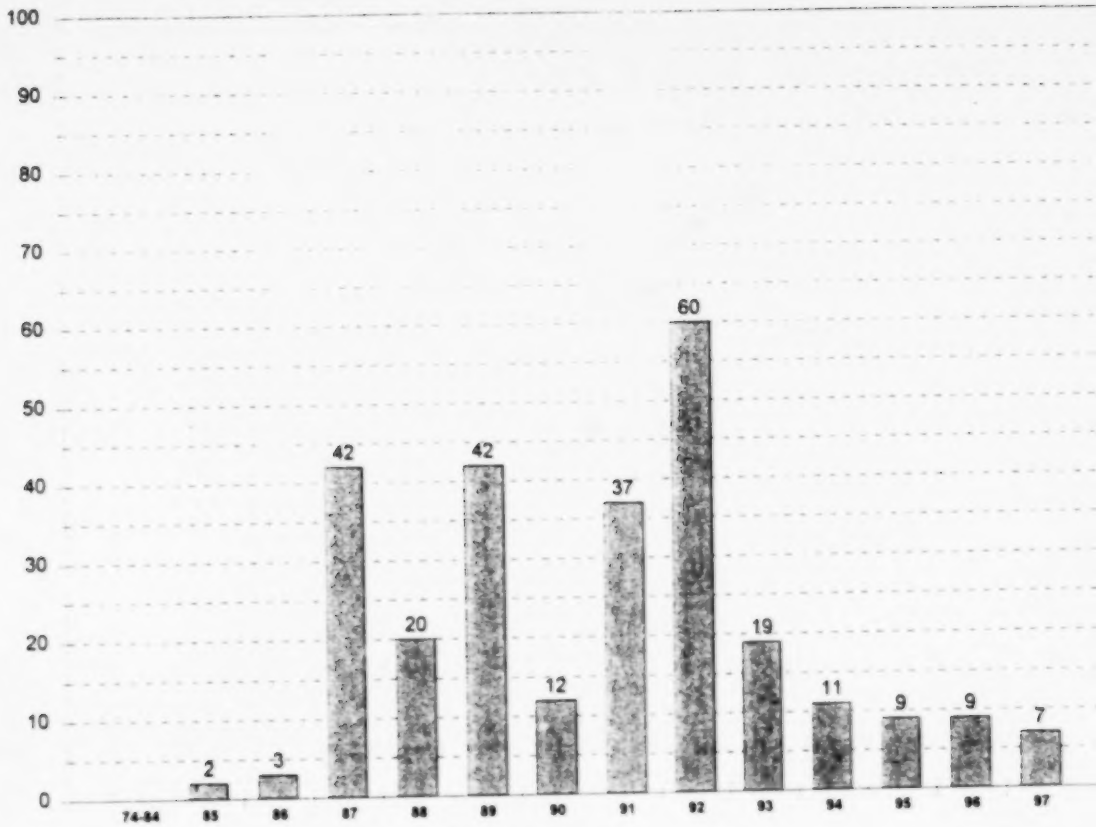
GUATEMALA



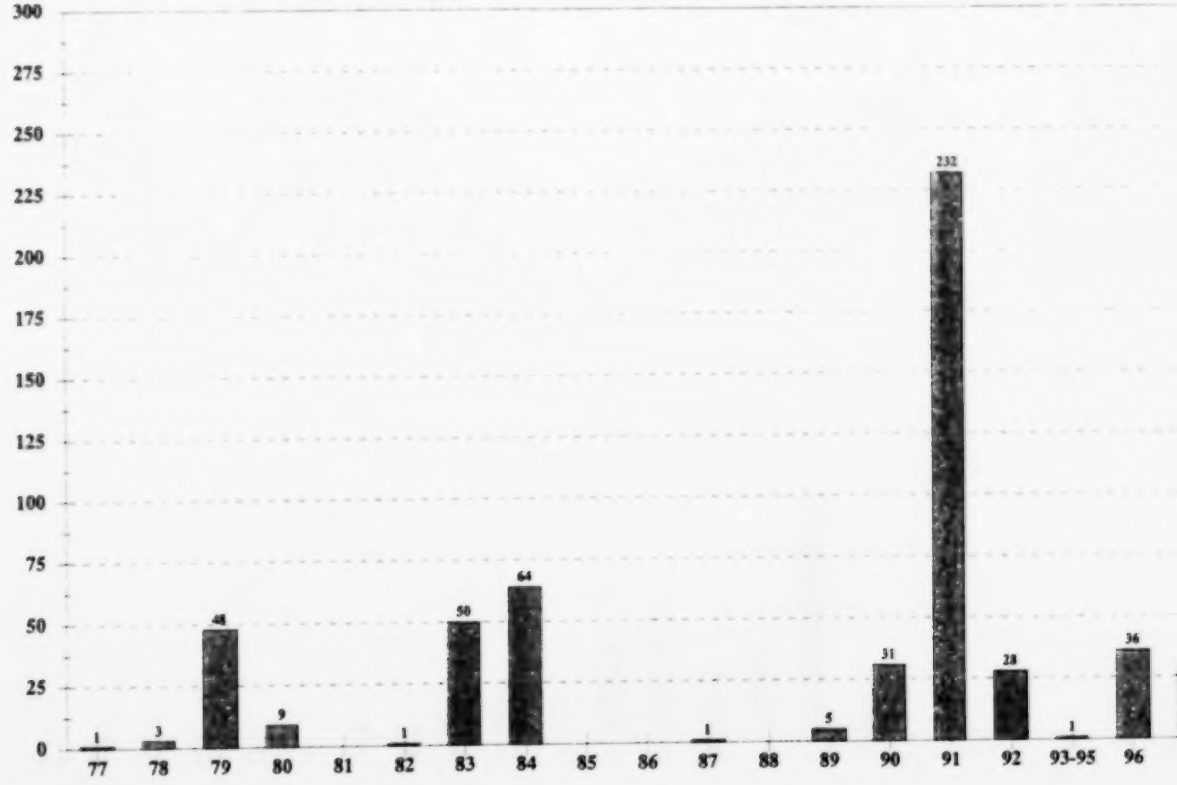
HONDURAS



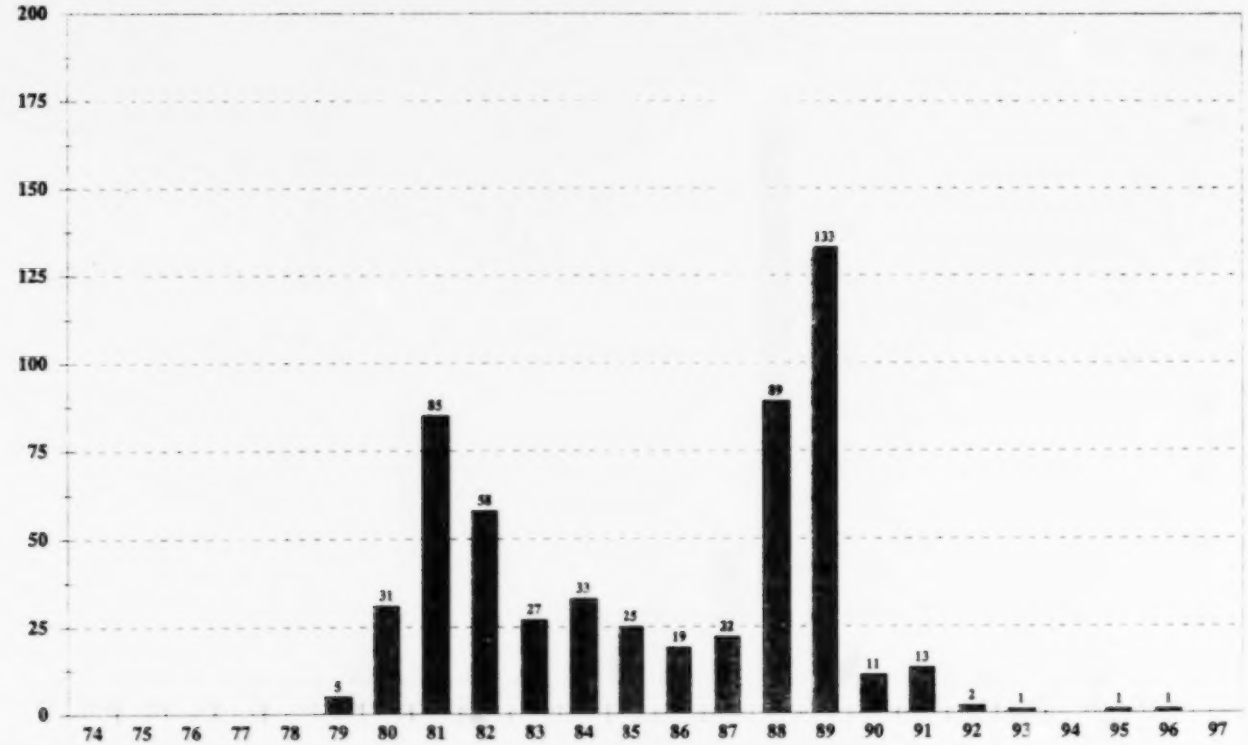
INDIA



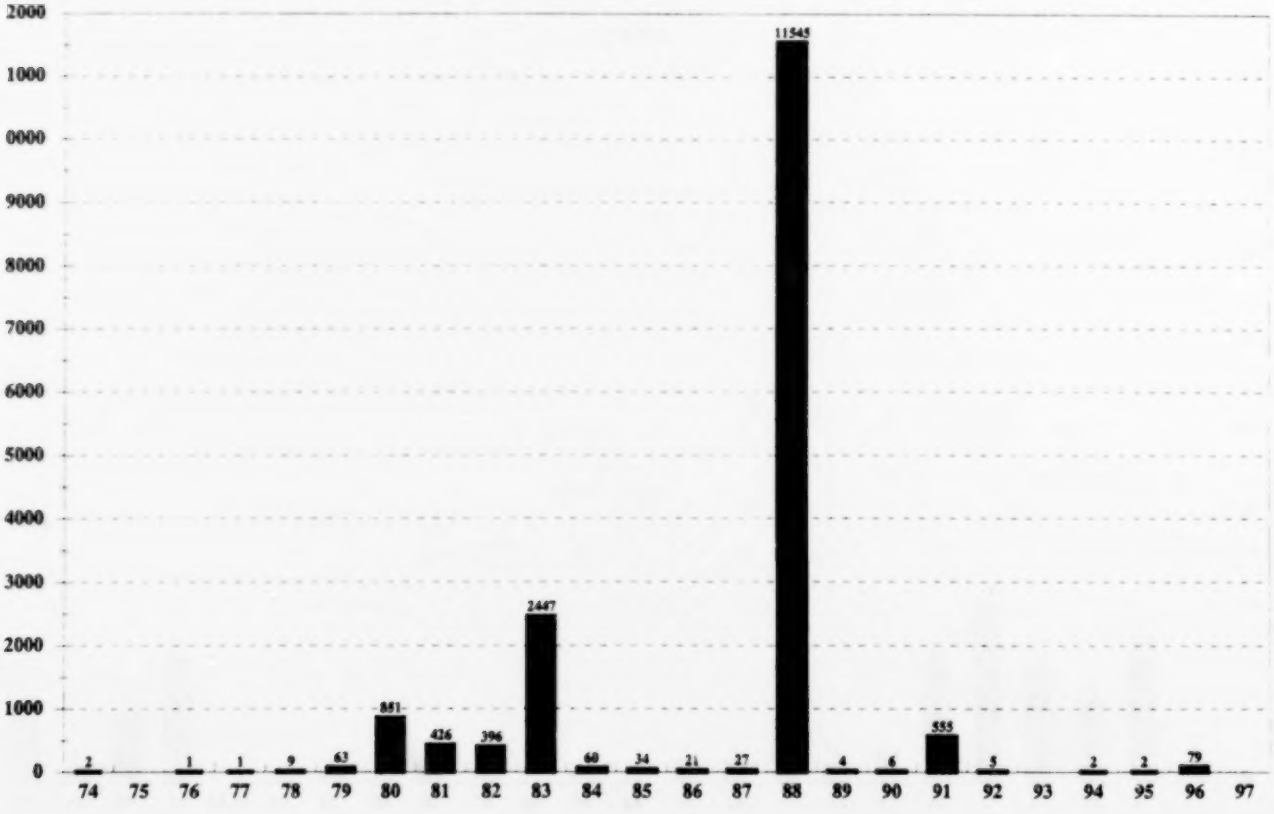
INDONESIA



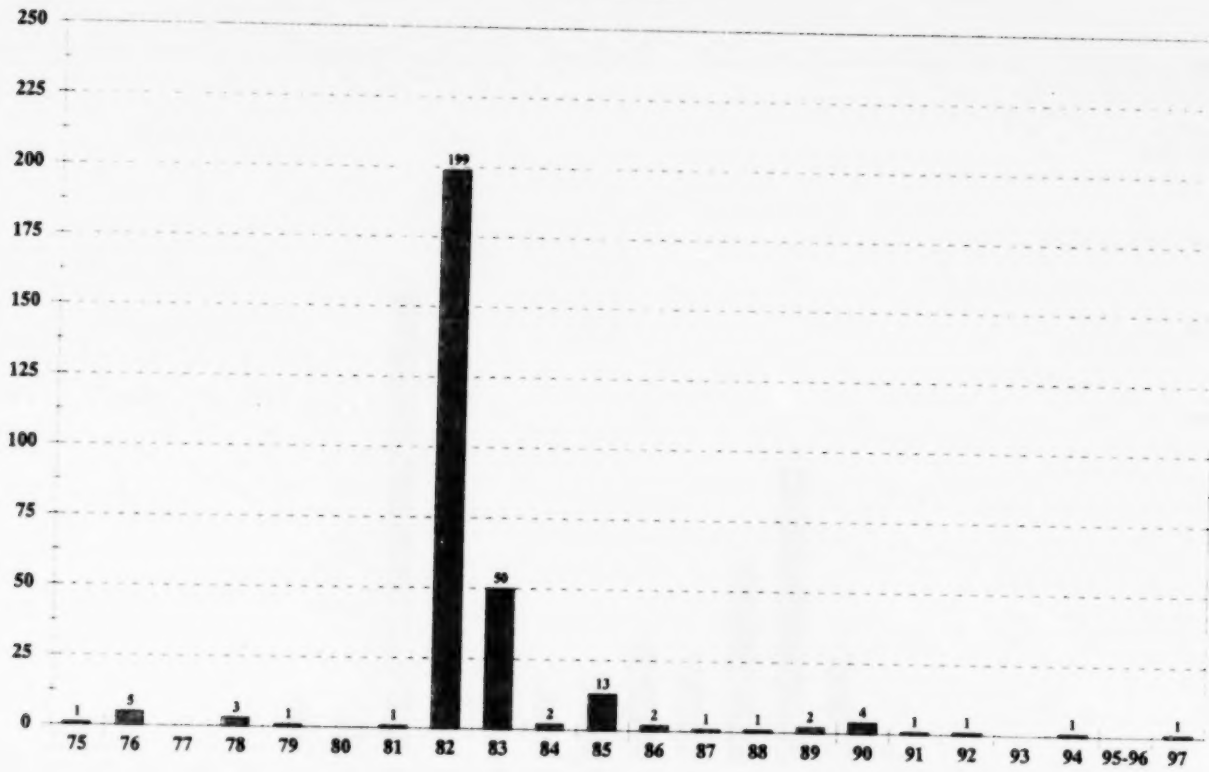
IRAN (Islamic Republic of)



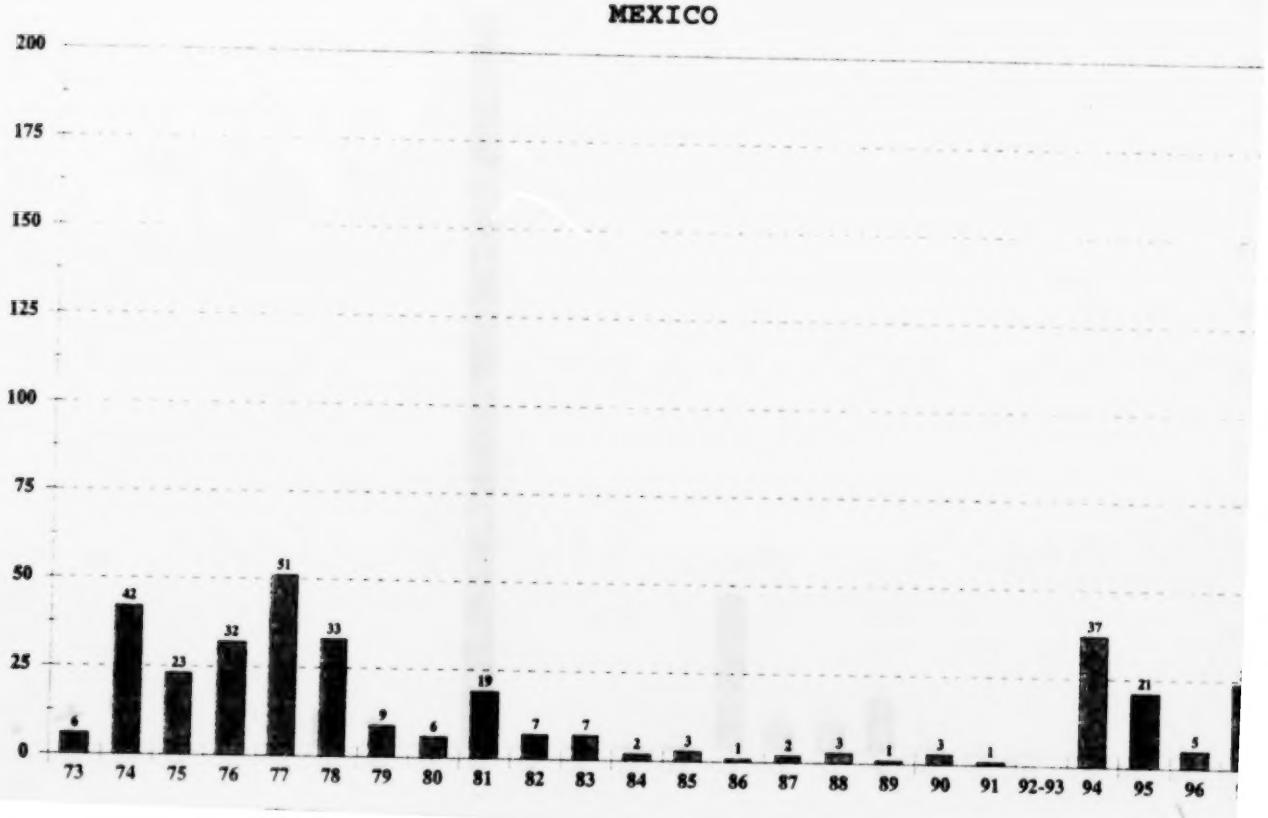
IRAQ



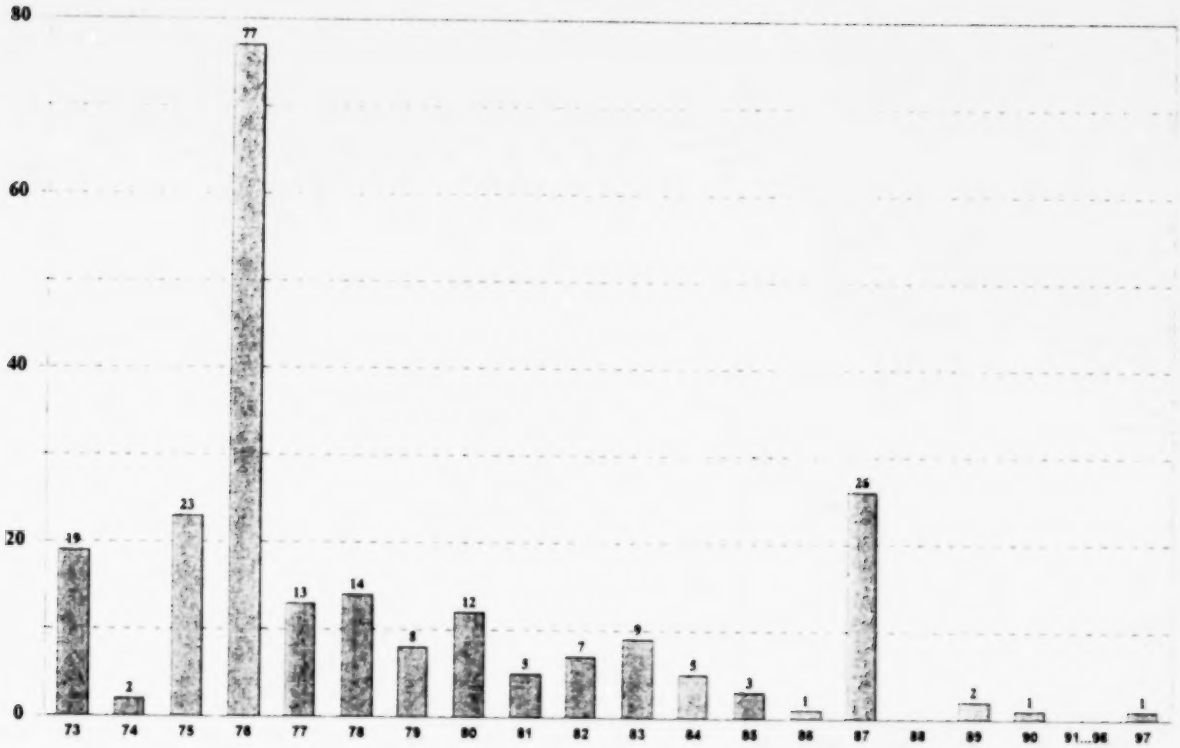
LEBANON



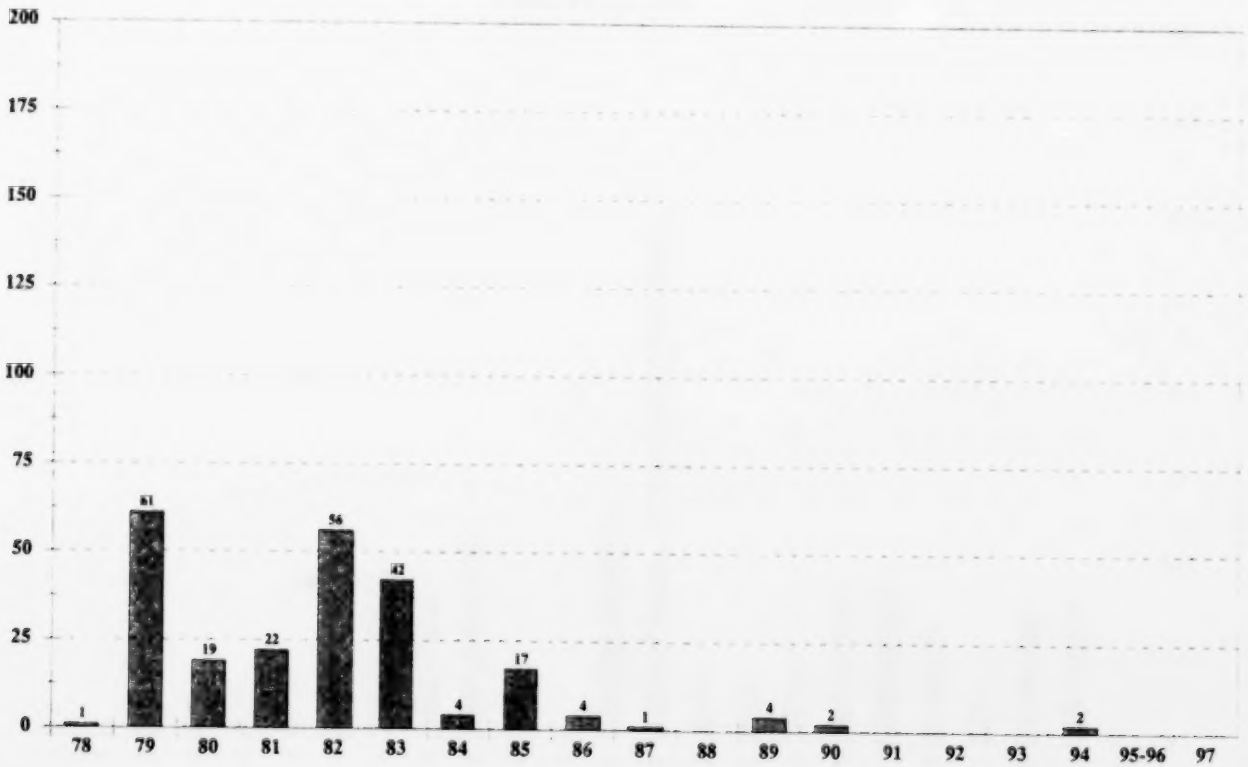
MEXICO



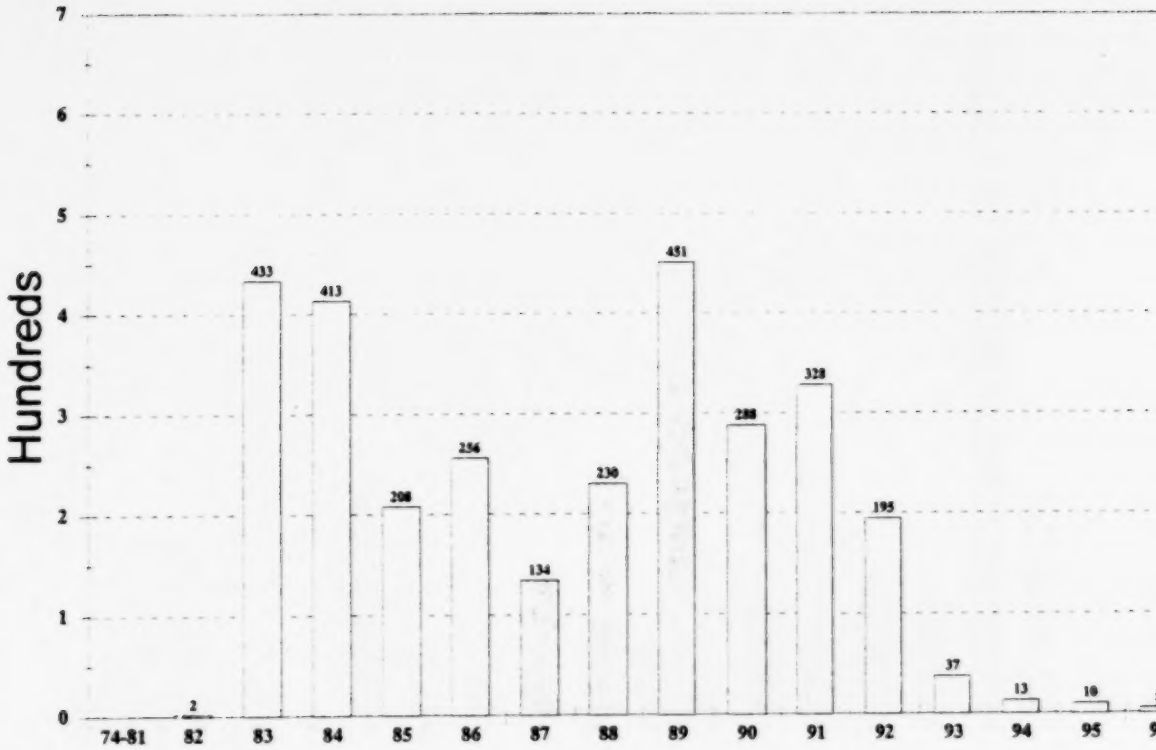
MOROCCO



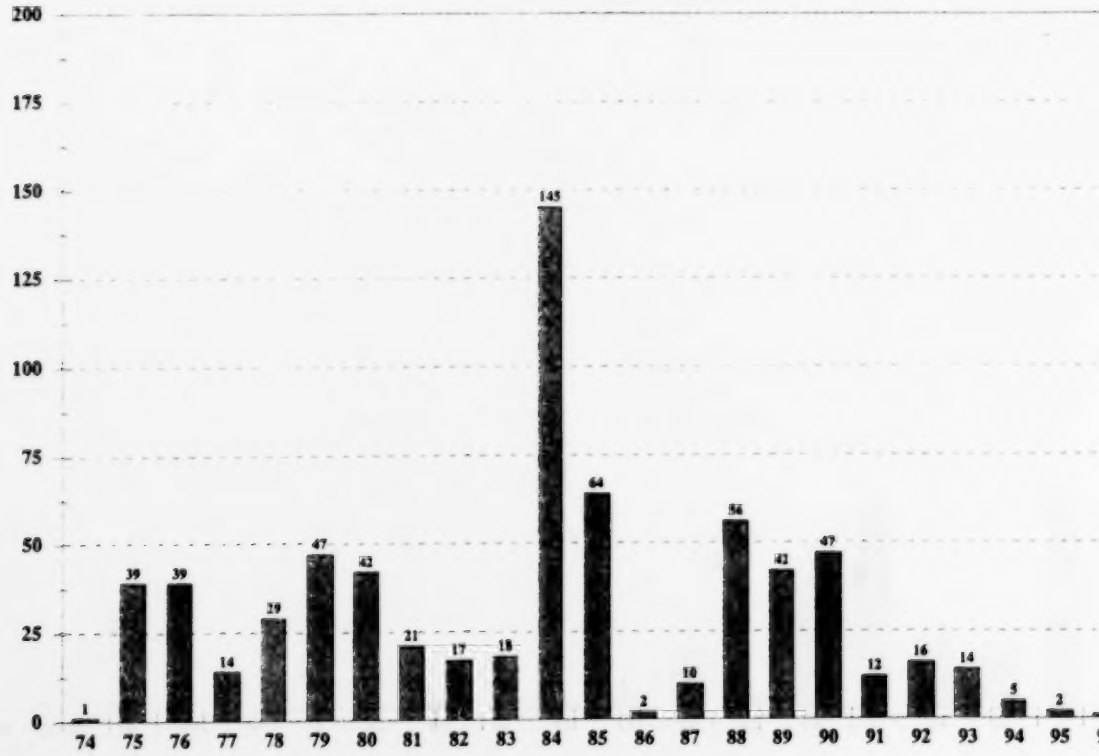
NICARAGUA



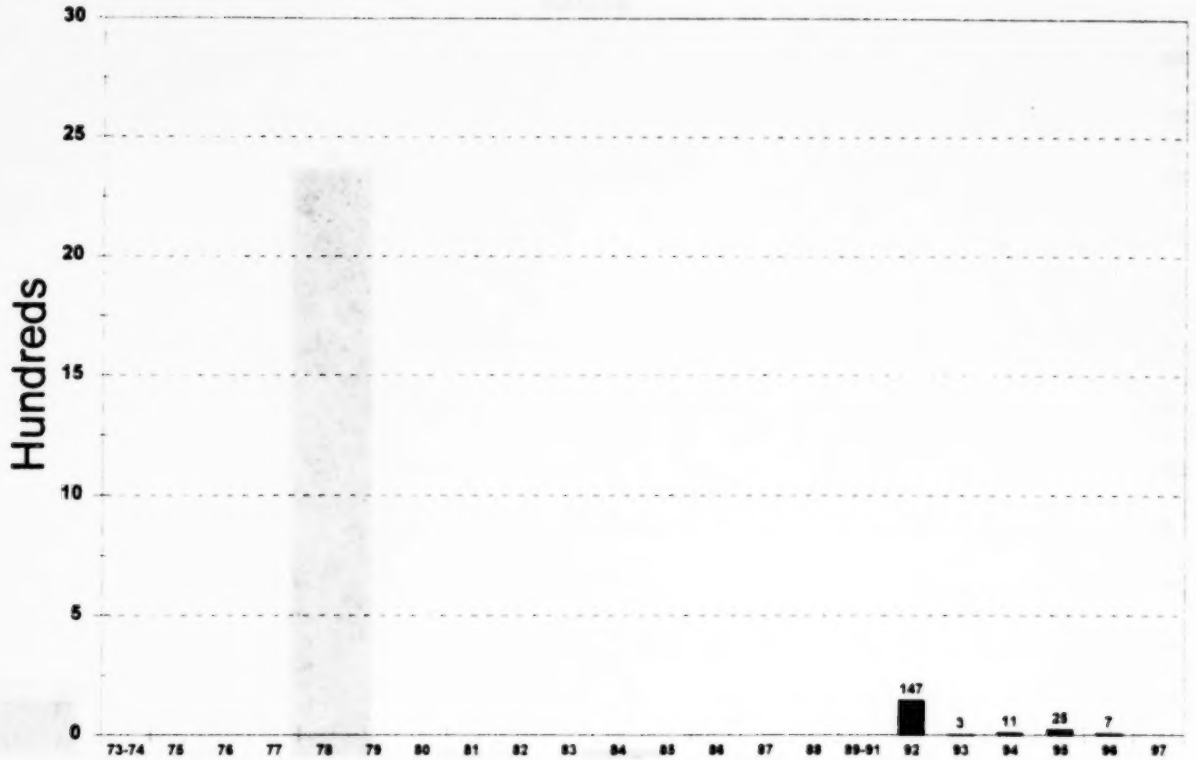
PERU



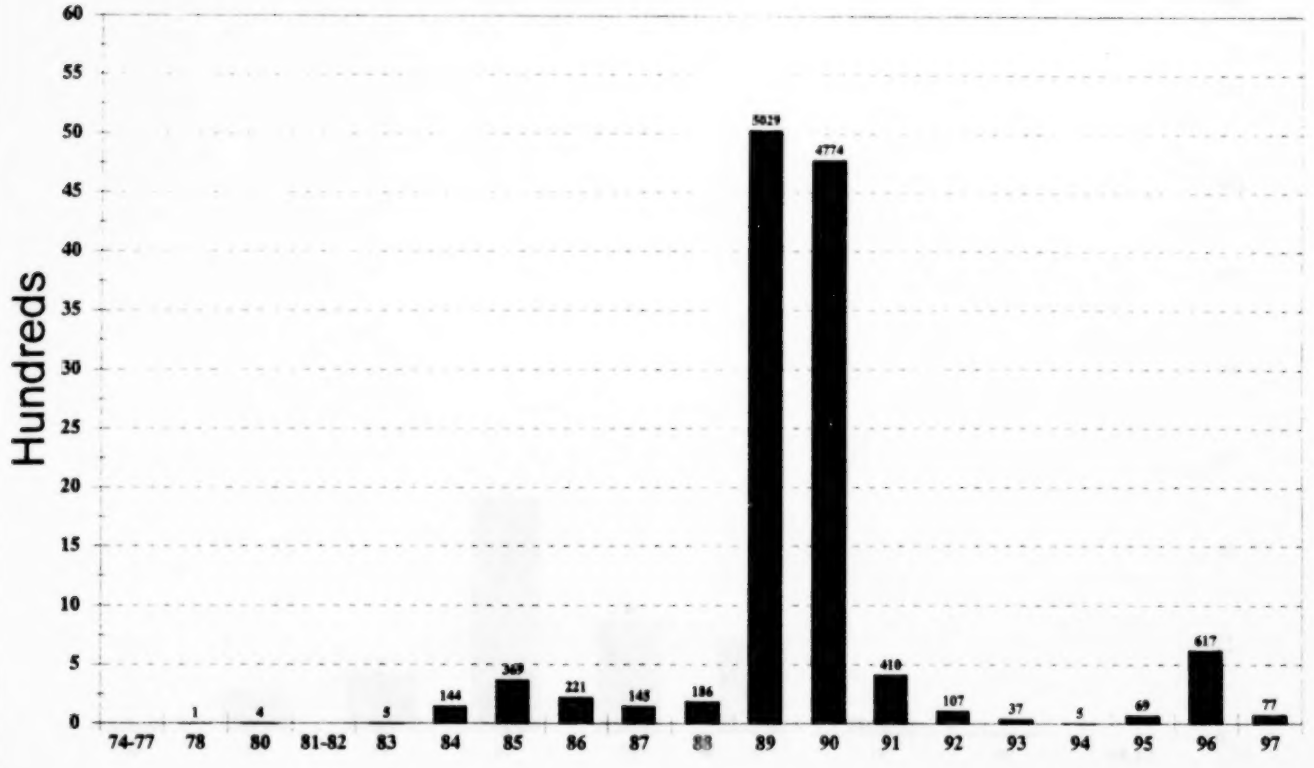
PHILIPPINES



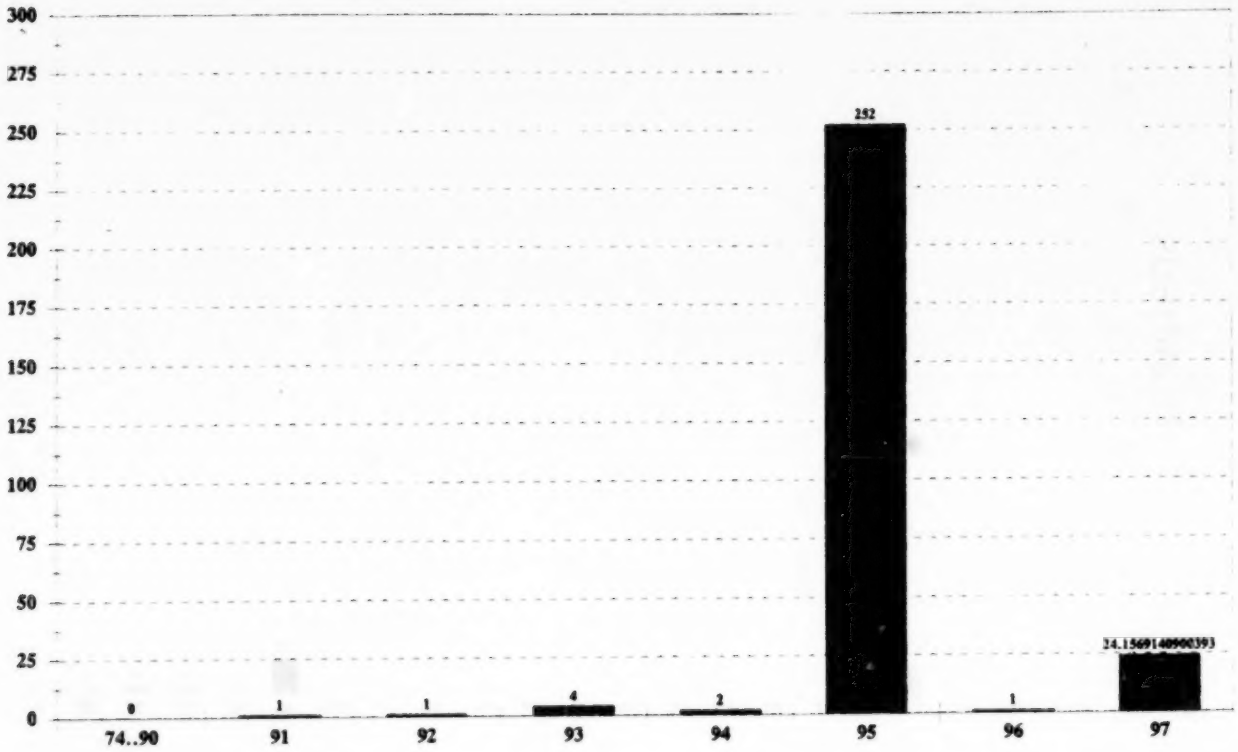
RUSSIAN FEDERATION



SRI LANKA



SUDAN



TURKEY